

VOL. 56, NO. 4

50 CENTS

LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



ONE IF BY LAND

AN EDITORIAL

TELL THE FOLKS BACK HOME

LEMUEL E. ESTEB



I Am Whatever You Make Me

I am not the flag; not at all. I am but its shadow.
I am whatever you make me, nothing more.

I am your belief in yourself, your dream of what a
People may become. . . .

I am the day's work of the weakest man, and the largest
dream of the most daring. . . .

I am the clutch of an idea, and the reasoned purpose
of resolution.

I am no more than you believe me to be, and I am all
that you believe I can be.

I am whatever you make me, nothing more.

—Quote, May 22, 1960

50 CENTS
A COPY

LIBERTY

WASHINGTON
D.C.

A MAGAZINE OF RELIGIOUS FREEDOM

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Editor

ROLAND R. HEGSTAD

Associate Editors

MARVIN E. LOEWEN

W. MELVIN ADAMS

Art Editor

TERENCE K. MARTIN

Circulation Manager

ROY G. CAMPBELL

Contributing Editors

DR. JEAN NUSSBAUM, *Paris*
W. L. EMMERSON, *London*
KENNETH HOLLAND, *South-
ern United States*

C. N. ABRAHAM, *Southern
Asia*; G. ARTHUR KEOUGH,
Middle East; W. RAEBCKER,
Central Europe; G. D. KING,
Northern Europe; C. P. SO-
RENSEN, *Far East*

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E. E. WHITE, *Australia*; W.
DUNCAN EVA, *South Africa*;
J. J. AITKEN, *South America*;
C. O. FRANZ, *Inter-America*;

Editorial Secretary

JEANNE REVERT

Layout Artist

HARRY BAERG

Declaration of Principles

INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right to freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

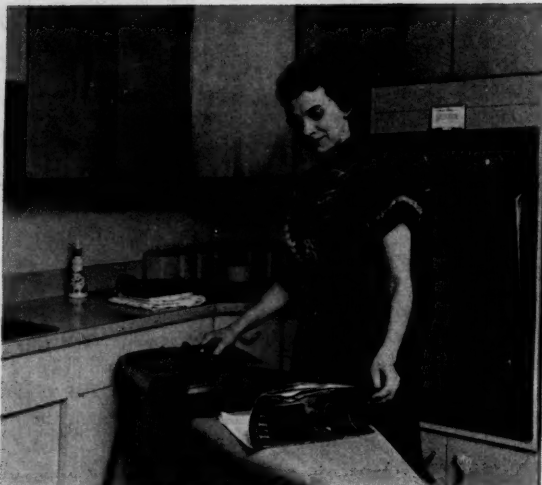
We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION was organized in 1888 by the General Conference of Seventh-day Adventists. Including in its ranks champions of freedom of many religious persuasions, the Association is dedicated to preservation of religious liberty, as is indicated in the Declaration above. The Association advocates no political or economic theories. General secretary, Marvin E. Loewen; associate secretaries, W. Melvin Adams, Roland R. Hegstad. **COPYRIGHT:** The entire contents of this issue is copyrighted © 1961 by the Review and Herald Publishing Association. All rights reserved.

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ROBERT KENDALL

Housewife Mrs. James R. Davidson, at suggestion of editors, solves two pressing matters at once.

Housewives, beware! This is a good place for you to stop reading. Unless you *want* to have your whole day ruined—dishes unwashed, supper unprepared, ironing mildewing. At least, that is what happened to Mrs. James R. Davidson, of Battle Creek, Michigan. And all because of **LIBERTY**!

You see, some months ago the editors of **LIBERTY** decided that learning is not spelled b-i-g w-o-r-d-s. Anyone can use big words nobody understands; it takes a truly learned person, on the other hand, to reduce big ideas to words that anyone can understand. We decided to help our authors try. Results? To judge from our mail, the judges, the lawyers, the educators, the congressmen, the preachers are still reading **LIBERTY**—and in increasing numbers. As for housewives, listen to Mrs. Davidson:

"If it would be of any interest to you, housewives *do* read **LIBERTY**! The latest issue came two days ago shortly after dinner. Before my dishes were washed I sat down and had an enjoyable session with a magazine I barely looked at a year or so ago. Just as I

felt I couldn't spend another moment, I spied a statement asking readers to write a poem to fit the cover picture. Now, I'm a housewife and *not* a poet, but I couldn't help putting some of my thoughts on paper. This took more time, and the two older children arrived from school. Ah, yes, it was Home and School night. Daughter Joni had a part on the program 'and, Mother, we just have to be there early. Miss Haueghy said so!' I was informed. Six mouths to feed, clothes to press, and babies to dress—no time tonight to do dinner dishes, or supper dishes for that matter, before the program.

"Ten o'clock is late to put four children to bed but I managed in record time and wearily trudged into the kitchen to do the dishes.

"Sometime later I popped my little poem in front of my husband's nose and made him tell me what he thought of it:

A MAJORITY

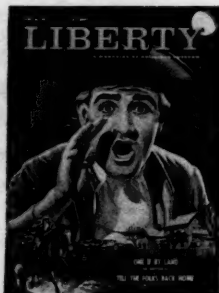
The stately columns rise
And people gaze toward the skies;
They see a man carved out of stone,
Who many times stood all alone.
When troubles rose on every hand,
'Twas on his knees he took his stand
For freedom, justice, liberty.
Lincoln and God—what a majority!

"He crossed out two words and told me he wasn't a poet either.

"Now here I am spending more time writing to you while my ironing is probably mildewing. What an impact **LIBERTY** has had on the Davidson household this week! Especially the mother-housewife! It's a good thing it comes only every other month."

The editors of **LIBERTY** hate to add to a housewife's burdens (no, **LIBERTY** is not going monthly yet), but wait till Mrs. Davidson and her colleagues on the home front see the September-October cover! And "Tell the Folks Back Home" (see page 7) is worth at least two mildewed shirts. After all, doesn't mildew go better on shirts than on *convictions*?

ROLAND R. HEGSTAD



OUR COVER PICTURE: "Listen, my children, and you shall hear Of the midnight ride of Paul Revere." Remember when you first heard those words? Poetry time again—fah! The teacher reading and you dreaming—of recess and a home run over the schoolhouse roof (or better yet, a ringing triple through the classroom window!). And then the poem. By the time she got through the "midnight ride" part you were listening, for this poem didn't go like "I wandered lonely as a cloud" or "The curfew tolls the knell of parting day." No, sir! Here was a man's poem—with horses and guns and muffled oars and secret stuff. And suddenly the ball diamond was far away and you were taking up arms and running toward Lexington square. Well, turns out the poem wasn't strictly accurate: the signal wasn't to Paul Revere, but from him, and he didn't make it to Concord. But it was a man-sized poem about a man-sized ride—a ride that needs to be taken again and again whenever men treasure freedom. Anybody got a horse?

PAINTING BY RUSSELL HARLAN

LETTERS

THE COW "JUMPS"

GENTLEMEN:

Enclosed please find my check for \$4.75 for a three-year subscription to *LIBERTY*. Someone has been "carrying my weight" long enough. I'd like to do it myself for a while. So, please keep the issues coming. . . .

I do not know whether the copies I have received were complimentary or whether someone has subscribed for me, but in either case may I express my deep gratitude to the responsible parties.

This last issue is the first one that I have read thoroughly, and I must say that I did not realize what I have been missing. I sincerely believe that it is the most inspiring, informative, and thought-provoking magazine I have ever read.

On the lighter side may I say that what Bellino did to Army, shouldn't happen to even a lazy (you know what). And since the way I heard it in public school (high school at that), the word was "jumps" instead of "jumped," look what might be in store for Army next year."—W. VERNE AHRENS, *Attorney at Law, Los Angeles 13, California*.

[Bellino has graduated and the word is "jumps."—Ed.]

SUPERLATIVELY UNORTHODOX

DEAR SIR:

I take greater satisfaction in reading your magazine than any other which I receive. The general run of our publications cater either to preconceived prejudices, generated in the immature minds of adolescents, or to publicize a purpose of their own, usually for some material advantage to themselves.

This is emphatically so respecting the resolution of the Catholic hierarchy to subvert tax resources, obtained from others not of their faith, perhaps of no faith at all . . . to the propagation of their own spiritual way of life. They would revert to time in our history, when the church dominated state affairs and those, including Catholics, who refuted that dominance were persecuted and prosecuted under the forms of ecclesiastical dictates. . . .

In our Commonwealth of Massachusetts, the estrangement of children from our public schools to parochial classrooms has already resulted in the closing of school buildings, or their proposed closing. . . .

We cannot have a free dissection of any religious obsession, including that of the Seventh-day Adventists, unless our teaching is by those with untrammelled minds, not wedded to past intolerances and bigotries, such as your correspondent from Claremont, N.H., finds in your publication, which seems to me superlatively unorthodox.—CHARLES WILLIAM LAVERS, *Lawyer-Counsellor, Boston, Massachusetts*.

EDUCATES TOWARD FREEDOM

DEAR FRIENDS:

I am honored and glad to receive *LIBERTY* magazine—which educates people toward religious freedom.—RABBI BENJAMIN ROSAYN, *Auburn, New York*.

JULY-AUGUST

THE POWERS THAT BE

DEAR SIR:

Since the Catholic Church is making the headlines in all the newspapers, perhaps abroad as well as in this country, why do not the "powers that be" in Protestantism make their voice heard also, by proclaiming to the world that they do not wish a part in the money to be appropriated for aid to education; that they prefer to stand on their own and run their nonpublic schools as they have run them in the past?—MRS. A. C. WALDRON, *Staten Island 6, New York*.

[All Protestant bodies that operate parochial schools, and most that do not, are on record against Federal aid to church institutions. See *LIBERTY*, Vol. 56, No. 3, p. 8.—Ed.]

SMART LIKE A FOX

DEAR SIR:

Rather recently I received through the mail a copy of your *LIBERTY* and so, of course, recalled the *Chicago Tribune's* McCormick's *Liberty* (which he swapped in his deal for MacFadden's *Detroit Daily Illustrated* tab on which I once worked, back in prohibition days—I was probably the only sober guy on the night trick).

But I didn't get around to begin to read any of your *LIBERTY* until yesterday when a lulu of a sinusitis kick-off laid me up.

What I've read didn't help the sinusitis—the antibiotic and my doc's treatment are working on that—but did puzzle me.

What are you guys selling? Or plugging?

I'm serious.

But your editorial "Smart Like a Fox" did help me forget the pain (to which, after all these years, I'm used) for a while.

Your lead graf plus the next gave me quite a bang. And your "But a second thought comes . . ." was really the punch line.

One thing is for sure:

Neither the *Pittsburgh Catholic* nor you ever stopped to consider that the challenged Navy message was just SOP and NOT, REPEAT, NOT "nonsensical."

If either of you kept up on your homework by reading a GOOD newspaper such as the *New York Herald-Tribune* or *The New York Times*, you would know that these moon-bounced radio messages include radio-teletyped messages.

(If either of you knew—or bothered to find out—what a teletype that operates by electrical impulses over wires is and how it operates, you would know that it is a sort of electric typewriter without the lower case letters.)

This message that triggered all this fuss is simply the standard test, one that uses ALL the letters in the alphabet—hence if, in this moon-bounce, the electronic receiving typewriter were not properly tuned to the transmitting one, the well-known test message would come through garbled.

It is as simple as that.

Of course, this kills your editorial because it reveals its stupidity.—R. D. LINTON, *Nanuet, New York*.

[Quite the contrary, Dave, "it" reveals only that, when editors of *LIBERTY* put tongue in cheek, they will have to do it with their mouths open so that everybody, REPEAT, EVERYBODY, will get the point.—Ed.]

ONE IF BY LAND

HARRY BAERG, ARTIST



From the steeple of Christ's church the lanterns hung, and in Charlestown waiting patriots saw "a glimmer and then a gleam of light." One if by land, two if by sea—by sea! by sea!—the British were landing at Cambridge on their way to the cannon at Concord.

Down a darkened road Paul Revere thundered on sure-footed steed toward Lexington. And the pounding hoofs and the warning cry—the British are coming! the British are coming!—found echo in Minutemen moving toward Lexington Square and the first shot for freedom.

In a sense that ride has never ended, for every generation must fight a new war for freedom against new forces that seek through new devices to enslave mankind. The revolutionary truths for which our forefathers died are yet denied by despots, to whom liberty is a largess dispensed by the state rather than a gift from the hand of God. Free men savor the tang of liberty only because eyes yet turn to lanterns hung, and hoofs yet beat at midnight. One if by land, two if by sea—warning of tyrants within, of tyrants without.

To those without, we say, in the words of our President: "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

Those within we warn: Every encroachment upon freedom, whether by state or by church, whether through creeping attrition or sweeping coercion, shall find minutemen in this fateful hour riding again toward Lexington Square.

For a state without a favored church,
for free exercise of religious belief,
for the right to speak and print,
we shall contend.

Any threat to peaceful assembly and petition,
the inviolability of our homes,
the security of our persons,
due process of our laws,
we shall contest.

States rights,
national rights,
inalienable rights—
all rights—
we shall defend.

We shall not sleep! We shall not keep silence! We shall not fear! One if by land, two if by sea! A light burning and a patriot riding. And the man who rode, dark face bent to the reins, became a symbol, a symbol to which his countrymen yet turn when muffled oars sound muted threat or chains clank death at midnight.

R. R. H.



HARRY BAERG, ARTIST

Tell the Folks Back Home

AMUEL E. ESTEB

IN 1918, AMERICANS were asked to go forth to make the world safe for democracy. In answer to this call I volunteered and found myself in World War I. It did not seem too great a sacrifice to give up my law course for such a noble cause. Now, after World War II, after Korea, millions are wondering just what was accomplished anyway.

One of my closest friends in the Army was a lawyer named Al. One day while attacking a machine-gun nest, we were caught in the crossfire and forced to fall back. I reached a foxhole and looked for Al. I saw that he had been cut down and was lying in the no-man's land between the lines. When the firing moderated, I made my way to him. His leg had been almost severed by machine-gun bullets, and he was near death. I tried to stop the flow of blood, but knew I was too late. He had no water in his canteen, and I gave him the last I had.

"Thank you, Estie," he whispered, as I tried to make him more comfortable. "We came over to make the world safe for democracy. Tell the folks back home they had better safeguard the liberties they have." He died in my arms.

Since then I have spent many years in the cause of religious liberty in this country and have become aware not only of the greatness of our country, of its principles of freedom, but also of the forces and trends that jeopardize its very constitutional safeguards.

Our nation was born in an hour of religious persecution, when governments sought by civil law to enforce

the doctrines of the church. It was a desire to find a place where they could worship God as conscience dictated that sent the Pilgrims sailing westward. Having seen the unfortunate results of this alliance of religious and civil powers, our forefathers founded a government separate from the church. Their motto was, "A state without a king and a church without a pope."

Unfortunately, not all churches have been willing to accept a status of equality before law. They wish a privileged position, an acknowledgment by government that they are in possession of the "truth." Liberty, to them, means liberty only to accept their particular dogma. They find no place in their philosophy to allow people to worship God as they feel led by conscience to do. One prominent spokesman for a church has written, "The equal toleration of all religions . . . is the same thing as atheism." We should beware lest such misguided religious fervor should rob us of freedom.

The exponents of forced morality would hardly agree with Benjamin Franklin who said, "When religion is good it will take care of itself; when it is not able to care for itself, and God does not see fit to take care of it, so that it has to appeal to the civil power for support, it is evident to my mind that its cause is a bad one."

Judge Brandeis in his dissenting opinion in *Olmstead vs. United States* (227 U.S. 478) wisely observed: "Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to

repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding."

The pastor of a large Baptist church recently set forth his views on forced morality in the context of Sunday laws. He said, "It is the undisputed right of the Church to attempt to persuade all men of Christ's teachings, and of what is right and desirable in government, but it is not right for the Church, as an institution, to attempt to wield political power. It is also the right and responsibility of the Church to speak out against anything that might be harmful to society. But no matter how blessed a day set apart unto the Lord may be to the believer, it is not the right of the Church to attempt to impose its observance upon an unbeliever." He quoted Martin Luther: "Keep the day holy for its use's sake, both to body and soul. But if anywhere the day is made holy for the mere day's sake, if any one set up its observance on a . . . [legalistic] foundation, then I order you to work on it, to ride on it, to dance on it, to do anything that shall reprove this encroachment on the Christian spirit and liberty."

In America, Mohammedans, Buddhists, Jews have as much right to worship on the day of their choice as those who worship on Sunday, and without being penalized one day's wages by being forced to close their businesses two days a week. Indeed, a man who makes no profession of religion has as many inherent rights according to the Constitution of our country as the man who professes religion. We must protect his rights as scrupulously as we protect the rights of the churchgoer. Churches are justified in expecting their members to attend church on the day they regard as holy; but they have no right to seek to establish their brand of religion, contrary to the Constitution, by imposing their church doctrines upon those who are not members of their particular church, or of any church at all.

As one author puts it: "No human laws are required to secure the triumph of the Christian faith. The arm of the secular government is not needed to enforce the commands of the world's Redeemer. Christianity needs no legislation or judicial aid beyond the protection of adherents and the right to worship according to the dictates of one's own conscience."

Since religion is purely a matter of conscience, and since it rests upon voluntary action and freedom of choice, it should be clear to all that religious objectives can never be realized by coercive legislation. The Sabbath was divinely appointed for spiritual rest, devotion, and ministry. Its obligation can be fulfilled only by spiritual adherence. Its observance can never be enforced by civil magistrates or its violation punished as an offense against God. Such a course of action is just as reprehensible to God as the casting of the three Hebrew worthies into the fiery furnace by Nebuchadnezzar.

Ours is a wonderful country, our government a model to the world. Our unique concept of freedom has made it so. Our constitutional provisions for freedom deserve the devoted support of every American. Failure to defend liberties could well mean oppressive restrictions and curtailment of freedom. As Christians we must keep our constitutional defenses strong, not merely to protect our own religious rights but also to maintain the free climate necessary to finish the work given us by God.

If we will refresh our memories regarding the suffering imposed upon millions as a consequence of a church forcing its dogmas upon the population by means of civil laws, we will never wish to infringe in any way upon the freedoms which have made our nation great.

Maybe we didn't make the world safe for democracy, Al. But you asked me to tell the folks back home they had better safeguard the liberties they have. And I've done it, Al; I've done it. ★★★

Lemuel Earl Esteb was a soldier. A soldier for his country, a soldier for his God.

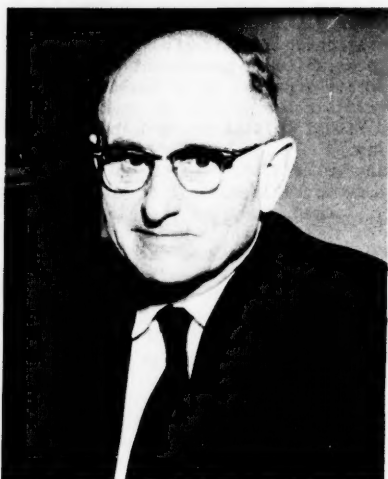
Born the son of pioneers in Baker, Oregon, July 13, 1897, he was a law student at Willamette University in Salem when he volunteered for the American Expeditionary Forces. Discharged after the war as a noncommissioned officer, he returned to Willamette and was within three months of finishing his law course when he felt called to the ministry. From the time he graduated from the School of Theology of Walla Walla College in 1921, he served his church in many responsible positions. "Tell the Folks Back Home" is condensed from a sermon preached shortly before his death of a heart attack on October 31, 1960. At that time he was head of the New England chapter of the International Religious Liberty Association.



United States

SENATORS SPEAK OUT

For Religious Liberty



No other single principle marks the difference between our country and so many others as does our constitutional guarantee of religious freedom. We have a true religious heritage in which are found our concepts of freedom and the dignity of human life, but we do not permit government to become the tool of any particular sect or creed. Truly, here man is free to worship or not to worship God according to his own conscience.

FRANCIS CASE
Senator from South Dakota

Freedom has only the meaning with which men endow it. It is not enough to pay lip service to the concept of religious liberty. We must pay heart service to it, as well, else it remains an empty phrase instead of a living reality. America derives its strength from its people, and the people derive their strength from their union of lives and of purposes. Such a spiritual union is weakened to the extent that any American citizen is deprived of his inalienable right to religious liberty or is made to suffer in any way because of his beliefs.

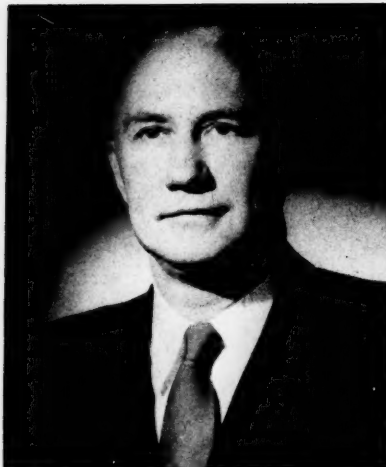
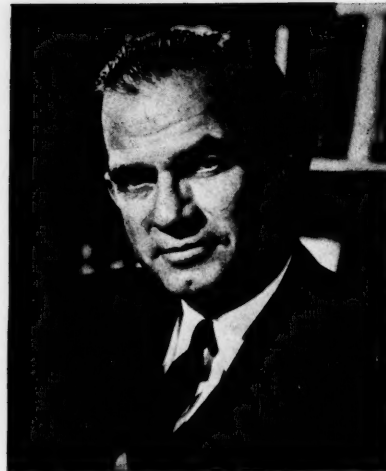
KENNETH B. KEATING
Senator from New York



Perhaps the greatest similarity of totalitarian governments, past and present, is their determination to suppress religious liberty. This is an ominous characteristic. For if Christianity has not always been able to restrain men from dreadful excesses, it has, to a large extent, kept them from falling back into the abyss of savagery.

Eliminate religious liberty and little hope remains to sustain religion. Eliminate religion and little is left to prevent evil from dominating the world.

J. W. Fulbright
J. W. FULBRIGHT
Senator from Arkansas



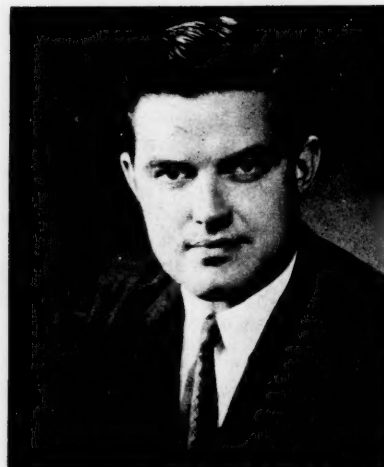
After proclaiming our independence in the Declaration of Independence and winning it in the American Revolution, our forefathers sought to secure it and other newly won liberties for all our people for generations to come. When they met in Philadelphia in 1787 at the Constitutional Convention, the founding fathers determined to establish a government which would be separate from any religious faith and one which would place a premium on individual liberty, individual initiative, and individual responsibility.

In making certain that church and state would not be mixed, they did not rule God out of our country. Indeed, they based their ideals as a nation on those given us by Christ. For it was Christ Himself who ordained the pre-eminence of the individual, and Christian individualism was the very bedrock on which our nation was founded. The founding fathers intended that each man should be free to determine his own religion and his own destiny, but by their example and the foundations which they laid for our government, they made it crystal clear that individually and as a nation we would have to look to God for guidance and blessings to ourselves and our nation.

Strom Thurmond
STROM THURMOND
Senator from South Carolina

Of all blessings which America bestows upon her citizens, religious freedom stands as the living monument to her greatness. Without freedom to worship, for each individual to seek God in his own way, the meaning of liberty would be empty indeed. As a nation, we are as strong as our faith—unified in its many expressions. If, as has been said, justice is the guardian of liberty, then religious freedom is the torch around which all free men can rally. This flame must never grow dim.

Frank Church
FRANK CHURCH
Senator from Idaho



Washington, Madison, and **CHURCH-STATE SEPARATION**

THE HON.

A. WILLIS ROBERTSON

Senator From Virginia



HARRY BAERG, ARTIST

BY A SINGULAR coincidence in the same week in which we celebrated the anniversary of the birth of the chief architect of our independence, affectionately known as "the Father of his Country," the Congress received a proposal from the President of the United States, urging it to embark for the first time in our national history on a program of Federal aid to education. And involved in that program is one of the most unique and vital features of our Federal Constitution, namely, the separation of church and state.

President Kennedy, in recommending the appropriation of funds for public schools, requested that parochial and other church schools at a certain level be excluded, but at the college level that they be included. That proposal, of course, touched off a debate on the history and the meaning of the doctrine of the separation of church and state, and its application to the appropriation of public funds for church-owned and operated schools and colleges.

On many occasions, I have expressed the view that the ability and wisdom of the representatives of 13 new States who assembled in Philadelphia in the summer of 1787, to draft a plan for a more perfect Union, have never been excelled in this or any other nation. If that be true, the views of the Founding Fathers on the principle of separation of church and state should be a lamp unto our feet.

Students of history well know that religious intolerance did not commence with the crucifixion of Christ and the persecution of his followers. Throughout recorded history organized government has sought to en-

force its will in religious as well as temporal affairs. Many of the early colonists in this country, notably those who settled in Massachusetts, came in search of religious freedom. Those who made the first permanent English settlement at Jamestown in 1607 did not come for that purpose, but they did come imbued with the spirit of political freedom; they did organize the first representative government on this continent; and they were the first to realize that there could be no complete political freedom unless the Government was prohibited from interfering with the individual's religious views.

While George Washington was not as active as Thomas Jefferson and James Madison in behalf of legislation on the subject of religious freedom, he, a deeply religious man and always loyal to the established Church of England, endorsed as strongly as Jefferson and Madison, the principle of separation of church and state. In a letter to the members of a new church in Baltimore, he wrote:

We have abundant reason to rejoice that in this land the light of truth and reason has triumphed over the power of bigotry and superstition, and that every person may here worship God according to the dictates of his own heart. In this enlightened age and in this land of equal liberty it is our boast that a man's religious tenets will not forfeit the protection of the laws, nor deprive him of the right of attaining and holding the highest offices that are known in the United States.

Later, in an address sent to the General Committee of the United Baptist Churches in Virginia, with which my colonial ancestors were associated, and which had

suffered perhaps more persecution at the hands of an intolerant government than any other denomination, General Washington wrote:

If I could have entertained the slightest apprehension, that the Constitution framed in the convention, where I had the honor to preside might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the General Government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded, that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution. For you doubtless remember that I have often expressed my sentiments that every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.

Again, in his justly famed Farewell Address, Washington said:

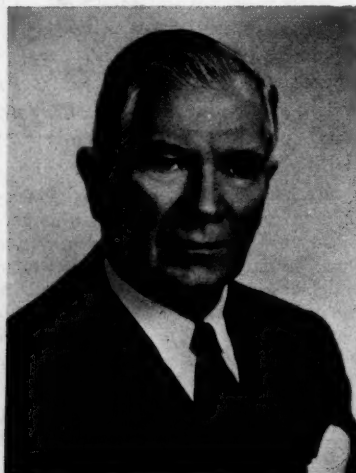
Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

Therefore, in discussing the contribution made by another great Virginian to the cause of the type of freedom which we have enjoyed under a Constitution which provides for the separation of church and state, I wish to emphasize the point made by Washington that there is a difference between religion in government and government in religious affairs. I further emphasize the point that the current debate in connection with a school-aid program of the doctrine of separation of church and state, will avail us little unless it includes the realistic premise that what this day and generation needs is not more Federal aid to the individual, but a more active support by the individual of religion and morality—"great pillars," as stated by Washington, "of human happiness, these firmest props of the duties of men and citizens."

Senator

A. Willis

Robertson



Students of Virginia history will recall the provision for religious freedom that was included in George Mason's bill of rights, and incorporated in Virginia's first constitution, and a still broader provision in a bill offered in the Virginia Legislature by Patrick Henry. It remained, however, for the chief architect of the Philadelphia Constitution, James Madison, to outline the fundamental reasons for the doctrine of separation of church and state, which was subsequently incorporated in Jefferson's statute for religious freedom in Virginia and was written by Madison into the first amendment of the Federal Constitution. It was largely due to his efforts that Virginia was the first State in the modern world with both complete religious freedom and complete separation of church and state.

It was Madison at whose insistence the Virginia Bill of Rights of 1776 was so modified as to read:

All men are equally entitled to the free exercise of religion, according to the dictates of conscience.

Until Madison's amendment the document had provided that there be religious toleration. For this statesman, mere toleration was insufficient; he proclaimed that—

The right of every man is liberty—not toleration.

Madison's primary contribution to the dual causes of religious freedom and the separation of church and state—and that which had the greatest repercussions—was his famous "Memorial and Remonstrance" of 1784 against a proposal of the Virginia House of Delegates to provide, through assessments, for teachers of the Christian religion.

It is important to consider the circumstances which led to Madison's "Remonstrance."

The decision on a general assessment for the support of religion in Virginia had been deferred, by article VI of the 1776 Preliminary Act for Religious Freedom, to the determination of a future assembly.

In the house the assessment proposals were vigorously argued by no lesser advocate than Patrick Henry. It may seem paradoxical that the man who a few years before had been proclaimed the "firebrand of the American Revolution" and who in the near future was to denounce the Federal Constitution as a return to tyranny, would fail to appraise the implications of state-sponsored financial support of the Christian religion. Henry advanced as his chief argument the close relation of religion to the prosperity of the state, calling attention to the fate of nations which had neglected religion, and inferring the need of state support. Madison fully answered this contention by stating that the true question was not—Is religion necessary?—but—Are religious establishments; that is, state-supported establishments, necessary for religion?

In spite of Madison's logic and vigor the house adopted on November 11, 1784, the following resolution designed to carry out Henry's plan:

That the people of this Commonwealth, according to their respective abilities, ought to pay a moderate tax or contribution annually, for the support of the Christian religion, or of some Christian church, denomination or communion of Christians, or of some form of Christian worship.

Nevertheless, Madison was able to postpone the third and final reading of the subsequent bill tailored to implement the resolution's intention. Only the determination and resourcefulness of Madison in his opposition and the election of Henry to Virginia's Governorship on November 17 prevented this assessment bill from becoming law in 1784.

Madison used to advantage the delay which his efforts had won. With the endorsement of Mason and Nicholas he prepared between sessions and circulated in June and July of 1785 the remarkable "Memorial and Remonstrance."

The epochmaking document, which I will quote in part, was divided into an introduction and 15 succeeding points:

To the Honorable the General Assembly of the Commonwealth of Virginia:

We, the subscribers, citizens of the said Commonwealth, having taken into serious consideration a bill printed by order of the last session of general assembly, entitled "A bill establishing a provision for teachers of the Christian religion," and conceiving that the same, if finally armed with the sanctions of a law, will be a dangerous abuse of power, are bound as faithful members of a free State to remonstrate against it, and to declare the reasons by which we are determined. We remonstrate against the said bill—

1. Because we hold it for a fundamental and undeniable truth "that religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." The religion, then, of every man must be left to the conviction and conscience of every man and it is the right of every man to exercise it as these may dictate. This right is in its nature unalienable right.

2. Because, if religion be exempt from the authority of the society at large, still less can it be subject to that of the legislative body.

3. Because it is proper to take alarm at the first experiment on our liberties. . . . Who does not see that the same authority which can establish Christianity in exclusion of all other religions may establish, with the same ease, any particular sect of Christians in exclusion of all other sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment may force him to conform to any other establishment in all cases whatsoever?

4. Because the bill violates that equality which ought to be the basis of every law, and which is more indispensable in proportion as the validity or expediency of any law is more liable to be impeached. If all men are by nature equally free and independent, all men are to be considered as entering into society on equal conditions; as relinquishing no more, and therefore retaining no less, one than another, of their natural rights. Above all, are they to be considered as retaining an equal title to the free exercise of religion according to the dictates of conscience.

5. Because the bill implies either that the civil magistrate is a competent judge of religious truths or that he may employ

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By the time this appears in print, the editors of *LIBERTY* will likely have appeared before a Congressional committee to oppose a bill introduced in the 87th Congress by Victor L. Anfuso (Democrat, N.Y.), variations of which have been proposed and rejected for a number of years. The bill would "declare nonmailable certain communications intended to incite racial hostility"—which, in itself, seems a worthy objective. But notice carefully its provisions, particularly as they apply to religion:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

"THAT any letter, writing, card, pamphlet, circular, book, notice or other communication intended, or calculated by its terms to incite or produce hatred, hostility, ill will, contempt or aversion among individuals or classes or groups of individuals by reason of race, creed, color, religion, or national origin, is hereby declared to be nonmailable matter, shall not be conveyed in the mail, and shall be withdrawn from the mail under such regulations as the Postmaster General shall prescribe."

Now it so happens that some Protestant teachings receive a hostile reception in Catholic circles, and some Catholic teachings certainly arouse ill will among Protestants. Each holds views that would make a rabbi shudder, and Jewish teachings may be offensive to both. Not that the publications of any one group are *calculated*, in terms of the bill, to produce hatred, hostility, ill will, contempt, or aversion. But what is rose water to one is sulphurous to another, in addition to which many adherents of each faith have emotional thresholds so low that even a "mite" of difference can easily "cross."

Existing laws against calumny, libel, et cetera, provide protection for religious groups falsely labeled. For example, Protestant ministers who have circulated a bogus Knights of Columbus Oath have been prosecuted.

There would appear to be little justification for a bill so potentially subject to abuse and destruction of freedoms as that introduced by Mr. Anfuso.

SEEDLINGS of LIBERTY

JUDAH BIERMAN

Professor, Portland State College



HARRY BAERG, ARTIST

IT IS SOMETIMES said that the tree of liberty flourishes best when it is watered periodically by the blood of martyrs. But if the blood of martyrs runs in few veins now, it is not the only food for the tree of liberty, nor need we think of the tree of liberty only as the forest giant. The experiment described below tells the story of an attempt to keep the tree alive, to keep the forest green, by planting seedlings of liberty. It is a way open to all of us and perhaps as significant as any other.

Like most people concerned with civil liberties, I have become increasingly aware of the appalling lack of knowledge (and the even more frightening lack of interest) of college students in the meaning and importance of the Bill of Rights. To young people born since 1930, adolescent during the years of World War II, Korea, and immediately after, knowing only the crisis and the constant-danger atmosphere of the last decade, concern that the Government was intruding itself into traditionally forbidden areas seemed both strange and foolish. Why not an oath? Communists were real and dangerous. Why not wire tapping? Gamblers and racketeers threatened our way of life. And so on. Yet these young people were not wholly unaware of what they called civil-liberties problems. The war and the schools had done a good job, at least in our end of the country, in developing antidiscrimination attitudes, and almost all the young people were convinced that religious toleration was a good—so long as everyone had a religion.

But my increasing awareness of the problem found outlet only in a few lectures here and there in which I "viewed with alarm." And then one day late in 1955, I learned, in a discussion with the secretary of the Fund for the Republic, that something *was* being done. It

sounded like an exciting project: a series of lectures and following discussions on the law of the Bill of Rights by distinguished jurists, scholars, and political scientists. It was to be part of the in-service training program of the New York City school system. It was sponsored in part by the Freedom Agenda Project of the Carrie Chapman Catt Fund, the educational arm of the League of Women Voters. It was sponsored in part by the Association of the Bar of the City of New York. All the ingredients were there. High-level talent, broad public support, a willing and cooperative school system, and the best of all sponsors, nonpartisan, non-political, respectable, the Bar.

My excitement over the project lasted only till I took inventory of our situation at Portland State College. We had not much comparable to offer, but the city of Portland, Oregon, has a responsible school board and it was worth a try. Money might be available, we were told (by the Fund), if we could design a project of our own; and that is how the "Bill of Rights Education Workshop" was born, and this is what we do. And you can do it in your community for not very much money, and we and others who have followed the somewhat different New York Plan* can help you.

A Wrong-End Beginning

To begin with, we began at the wrong end. We first saw our assignment as a curriculum problem: how to design teaching materials that teachers interested in the Bill of Rights might introduce into the classrooms. But our task was not essentially one of curriculum construction, though each year we devote some time to

* Information on the New York Plan and similar plans is available from Mrs. Walter Farr, c/o Civil Liberties Educational Foundation, 15 West 44th St., New York City.

discussing how these civil-liberties problems can be introduced into various level classrooms. The teachers who came to us came seeking easy answers to their own disquiet over the problem, answers whose shape, they were sure, would be a lesson plan they could take back to the classroom. Some lesson plans did emerge from the more resourceful ones, but what we sought was something more fundamental.

We soon learned that we must direct the main thrust of our attack against the teachers' own lack of knowledge. Not only did they not know what was in the Bill of Rights, they were largely unaware of its background and development, and almost incapable of recognizing a situation in which it might be applied today. We soon discovered that our problem was in part purely informational, in part historical, in part analytical. Our task was, first, if I may use a dangerous word, to indoctrinate the teachers. We began by trying to make them aware of the extent of the Bill of Rights; then we found it useful to go back and explore with them the background of the growth of the rights guaranteed. Finally, and most difficult, we tried to help the students to see the civil-liberties problem—how the guarantees of the Bill of Rights operate today, day to day—in the context of contemporary life.

There is not room enough here to recount in detail the procedures we followed. Rather, I propose to tell you something of the general format of the project, and then, a little more fully, our experiences in the area of the First Amendment freedoms, in religious freedom in particular. Our workshop runs for three weeks, six hours a day, and its emphasis, we like to believe, is on work, not shopping. We begin each morning with about thirty minutes of free group discussion, during which anyone is free to raise any question he chooses on current affairs, his reading, whatever else. We value this time most for helping students to recognize civil-liberties problems as they come up day to day, and it may seem that we would have to be lucky each year to have something significant in the news, as we were two years ago with the Watkins and Jencks decisions. Experience has taught us that there is always something useful in the news. And it also taught us that this period of discussion is useful for clarifying in the students' minds the distinction between their own sense of outrage, particularly about discriminatory practices, and a violation of the guarantees of the Bill of Rights. Our concern was with increasing people's knowledge of the Bill of Rights, not with arousing social consciousness.

A second feature of the workshop that came into use in the early morning session and indeed all through the day was the library. We invested about \$400 of our original grant in books on the Bill of Rights and related subjects, and we put them all on a library cart and ran our own library in our own main room. (The workshop is given as part of the regular summer session.) The books are with us all day for students to

handle and use and to take home at night. Our text for the course was Leo Pfeffer's *The Liberties of an American*, a fine survey of the Bill of Rights in contemporary life, and our library has most of the books mentioned in his bibliography, among many others.

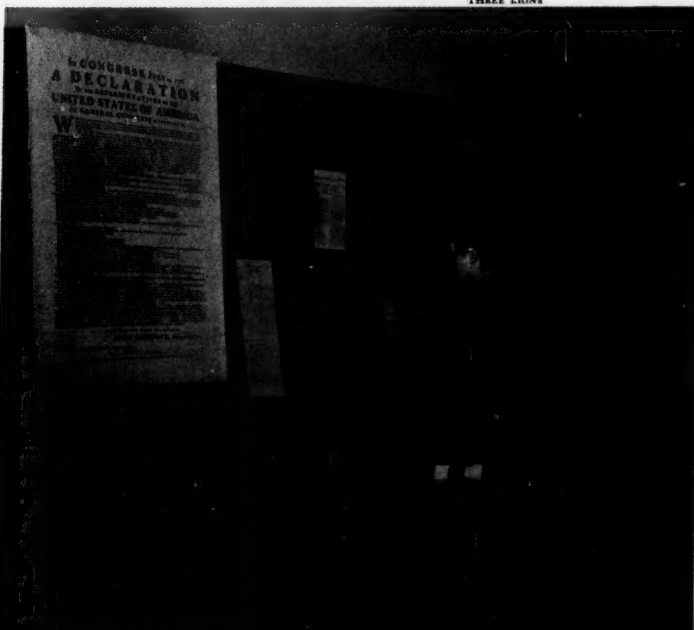
Following the free discussion period, we have a formal lecture period of about one and a half hours for the whole group. We then break up into small interest groups, each student joining a group assigned to a subject that interests him and meeting with it for about an hour and a half each day. Each student is responsible for a paper on some phase of the group's subject—freedom of the press, jury rights, segregation, loyalty oaths, religious freedom and education, et cetera—and the group as a whole is responsible for a two-hour report to the whole class, analyzing the subject with recommended readings, et cetera. Each student also joins a teaching-level group—elementary, intermediate, or high school—in which he meets with others who teach on his level and discusses problems of presenting materials, and these groups are also responsible for recommendations to the whole class. It's a lively, hectic three weeks, but a rewarding one, certainly, for me—and, I hope, for the students as well.

Students Unaware

For most students the Bill of Rights means freedom of speech and civil rights. They are only vaguely aware of the great procedural guarantees for fair trial and due process. And they have little realization of the fact that most civil-liberties problems today arise as conflicts between rights, or between guarantees and changing social philosophies. Yet, as balance, few parts of the Bill of Rights offer more opportunities for fruitful teaching than those opening lines of the First Amend-

In the lobby of Freedom House, New York City, freedom documents are prominently displayed. Thousands of Americans each year renew their acquaintance with the principles that have made their country the haven of the oppressed.

THREE LIONS



ment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Here is an area that lends itself to historical analysis; here is an area the analysis of which reveals how interdependent liberties—political and religious—are; here is an area as vital and as socially significant today as 300 years ago. Our first question, we thought, would be where to begin, but circumstances solved that problem for us. The Oregon legislature in 1957 passed a bill making it possible for students in nonpublic schools to receive free textbooks out of the tax funds of the school districts in which they lived. The teachers wanted to know about the law and how it worked, and whether it violated the Constitutional prohibition. Their attitudes reflected with some accuracy the whole spectrum of positions available, from complete separationism to full, almost militant, social welfareism, behind which one sometimes could sense a dangerous Erastianism—make the support increasingly central, and ultimately we can take over all the schools. What some wanted to discuss, really, was their "philosophy of education," and our task was to create a framework in which such a discussion could be held to the basic church-state issue.

We began therefore with the simpler questions, practices which appear not only in schools but also in other places in society. We began with religious symbols in general, on coins, invocations at public ceremonies, including graduations, in order to raise the question of whether we were in fact, in public ritual practice, regardless of statement, a Christian country. We recognized that at least we seemed to be a religious public, a God-believing country, and that most of the believers were Christians. But we also found most of the students rising immediately to a nonenforcement position about other believers and wholly opposed to any suggestion of state religion. This led us to the interesting question of Sunday laws and the general pattern of Sabbath observance and its curious paradoxes.

But it is always necessary to return to the law and Supreme Court decision to get these discussions back on the topic, and this we did by raising the question of the limits of police power as a proper extension of the blue-law discussion. Thus we went on to discuss the various Jehovah's Witnesses cases on the limits of proselytizing and from those the other limits, in the flag salute cases, limits on the power of the state to enforce loyalty through ritual and other actions. This conjunction of the two limits on religious freedom and police powers proved very useful in debating the larger question of the absoluteness of the guarantees for religious freedom. And that was what we needed to get into the school problem, the problem of education and the separation of church and state.

We began here with raising the question of Christmas celebrations in schools, whether the community would permit their restriction or absence and what the

meaning of parallel Hanukkah celebrations was. This permitted us to move toward the distinction between religious belief and what Dr. Pfeffer has called "school religion," a vague, noncontroversial latter-day religion, socially acceptable because its formulae are supposed to be able to be used publicly without offending any believer. Even more, it enabled us to enter the question of the role of education in a society, that is, the right of the state to create citizens who will support it, and the two problems significant for us that rise from that fact, the effective limits to social welfare legislation and the minimal conditions of a pluralist society.

Doctrine of the Wall

To establish the proper context for this discussion we began by reviewing the "wall of separation" doctrine, from Jefferson backward to some of the political realities that lead to the idea of toleration, and forward to the Court's decisions in *Everson*, *McCullum* and *Zorach*, where the doctrine is so clearly stated and the applications so enigmatically made.

Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, or church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.

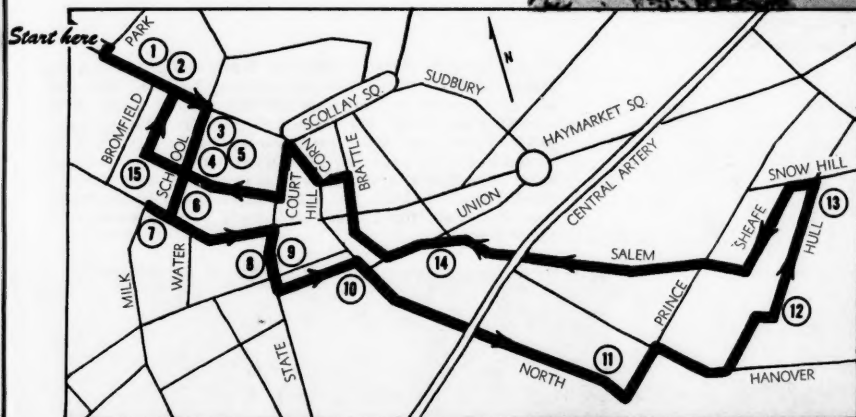
"If this was the law," students asked, "how then could the court approve the use of public funds for textbooks in Louisiana, for buses in New Jersey?" Because, the answer ran, after all it was the child who benefited—the same child who got a free lunch and medical and dental care on Federal funds. And none of the teachers objected to that kind of welfare legislation, no matter where it was given.

We worked our way back to the wall doctrine, strange as it may seem, through the released-time cases. For these provided a clear-cut instance of sending Caesar to collect God's tithes. What emerged was that some elements in the community considered religious instruction desirable, but that they were unable to control the children, to keep them in religious schools, without the help of the state, both in the form of the outright control released time offers and in the form of the prestige it offers. When one student suggested that religious instruction was of such a universal value that all schools should be closed two hours earlier every Thursday so that the parents and the churches could provide the instruction—in effect, a dismissed-time program—the nature of state support, preferential or not,

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The Freedom Trail

Past fifteen historic sites on the Freedom Trail in Boston walk thousands of visitors each year. Walk with them . . . now . . . wherever you are.



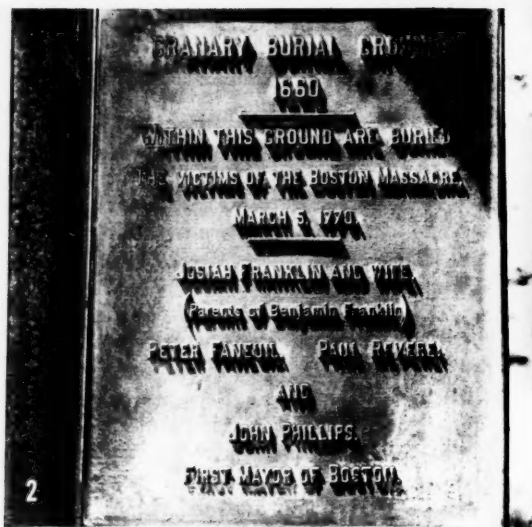
PARK STREET CHURCH. Peter Banner's masterpiece—the Park Street church—built in 1809, was described by Henry James as “the most interesting mass of brick and mortar in America.” Here William Lloyd Garrison gave his first antislavery address (1829) and here was the first public singing of “America” (1832), both on July 4.

This site has long been known as Brimstone Corner, not because of the fiery sermons of its early ministers, but because brimstone for gunpowder was stored in the cellar during the War of 1812.

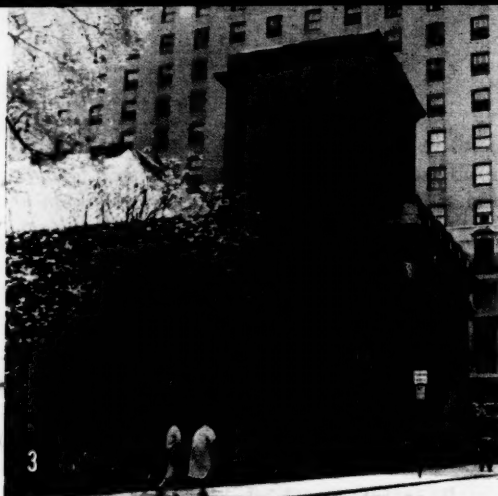
MAP AND CAPTIONS COURTESY OF ADVERTISING CLUB OF BOSTON, MASS., AND JOHN HANCOCK MUTUAL LIFE INSURANCE CO. PHOTOS NOT OTHERWISE CREDITED, FROM THREE LIONS.

JULY-AUGUST





GRANARY BURYING GROUND. Before the Park Street church was built, the site was occupied by the town granary, which gave its name to the cemetery. Here are the graves of three signers of the Declaration of Independence: John Hancock, Robert Treat Paine, and Samuel Adams; many governors; John Hull, whose daughter's legendary dowry was her weight in pine tree shillings; and her husband, Chief Justice Samuel Sewall; Peter Faneuil; Paul Revere; James Otis; Benjamin Franklin's parents; and the martyrs of the Boston Massacre. A stone inscribed "Mary Goose" is believed by many to mark the grave of "Mother Goose."



KING'S CHAPEL (above). King's Chapel—the first Episcopal church in Boston—became, after the Revolution, the first Unitarian church in America.

The church was organized here in 1686. The present building was completed in 1754.

In Colonial days this church was a royal favorite. Queen Anne gave its red cushions and vestments; and George III gave its communion plate.



SITE OF FIRST PUBLIC SCHOOL (below). In 1635, the town voted that "for broomsteeke shalbe intreated to become a teaching & nourishing of children." A schoolhouse built near the site of the Old State House was the origin of the first public school in the country. Many famous men have occupied among them, Cotton Mather, Emer



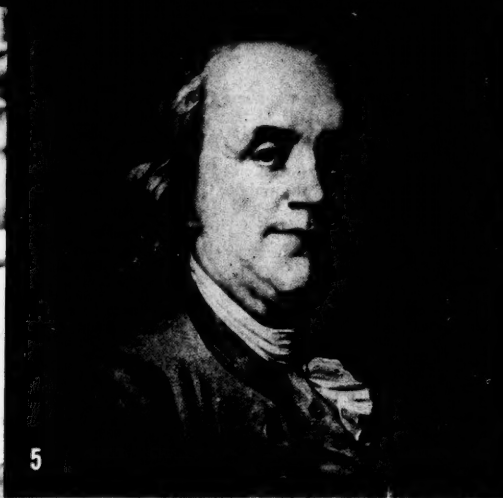
OLD SOUTH MEETING HOUSE. Here the outraged Boston colonists held the mass meetings that actually fired the Revolution. The challenging voice of James Otis echoed from these walls as he cried out for men to defend their rights. Here, after the Boston Massacre, the citizens shouted their demands for the withdrawal of British troops. And here the plot for the Boston Tea Party took shape and exploded into action. Benjamin Franklin was born nearby. During the Revolution, the redcoats set up a lively bar in the galleries and the Royal Light Dragoons used the main floor for a riding school.



OLD STATE HOUSE (below). Town House, British barracks, and State House, this old building (built in 1713) truly saw at firsthand the birth of the Revolution. News of the crowning of George III was cried from its balcony. Later, below the balcony, Boston mobs made bonfires of the hated symbols of British royalty. Generals Howe, Clinton, and Gage held a British council of war here before the Battle of Bunker Hill. And in 1776, the Declaration of Independence was read from the balcony to crowds that cheered in the street below.



BOSTON MASSACRE SITE. On a March day in 1770, a jeering Boston crowd clashed here with a British guard of nine soldiers. The colonists shouted their resentment against the quartering of troops in the town. They hurled stones and debris at the redcoats, who struck back by firing their muskets into the mob, killing five men. This spot is now marked by a circle of cobblestones in the pavement. Eleven days earlier a young boy, Christopher Snider, had been shot by a customs official. Thus came the first bloodshed of the growing Revolution.



5

COSMOS PICTURES CO., NEW YORK

STATUE OF BENJAMIN FRANKLIN (above). On the lawn of City Hall is the first portrait statue erected in Boston (1856)—that of Benjamin Franklin by Richard S. Greenough.

The bronze tablets on the pedestal depict high lights in the life of this many-sided Bostonian. He is shown operating a printing press, signing the Declaration of Independence, signing the Treaty of Peace with France, and experimenting with lightning.



OLD CORNER BOOKSTORE. Standing on the site of the home of the religious reformer Anne Hutchinson is the Old Corner Bookstore, one of the oldest brick buildings in Boston. Built between 1712 and 1715, it was first an apothecary shop and then a bookstore for nearly three quarters of a century.

During Boston's golden years as a literary center, a green-curtained corner in the back of this store was a meeting place—almost a club—for such literary celebrities as Longfellow, Emerson, Hawthorne, Holmes, Harriet Beecher Stowe, Whittier, and Julia Ward Howe.



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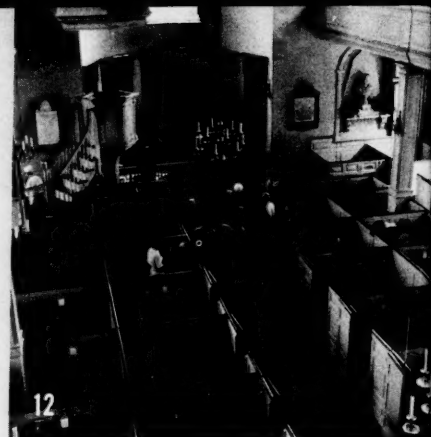


10

FANEUIL HALL. This is the Cradle of Liberty, and truly well named. Here took place some of the earliest and most stirring mass meetings of Boston patriots who were determined that Americans should govern themselves without interference from the British. The impassioned voices that made their demands for freedom within these walls were the voices of a new nation calling her sons to fight for liberty.



PAUL REVERE HOUSE (left). Here we come to the oldest house in Boston, probably built in the 1670's. Paul Revere lived here from 1770 to 1800. From it he presumably left for the Boston Tea Party in 1773 disguised as an Indian. And, of course, he was living here when he set out on his historic ride to Lexington, in April, 1775.



OLD NORTH CHURCH (right). The Old North, or Christ Church, is Boston's oldest church building still standing and was built in 1723. On the night of April 18, 1775, two lanterns were hung in its steeple to signal Paul Revere that the redcoats were leaving for Lexington and Concord. In a sense, they signaled the actual start of the Revolution. The old bells in the steeple are the same bells that rang out in 1781 with the joyous news of Cornwallis' surrender at Yorktown.



COPP'S HILL BURYING GROUND (above). In 1660, the colonists began to use this hill for a burying ground. More than a century later the British troops used it for a battery site during the Revolution. Here the redcoats set up their heavy cannon,

trained on Charlestown and Bunker Hill across the water. The bodies of the Reverend Cotton Mather and Edmund Hartt, builder of the frigate *Constitution*, lie here.



THE BOSTON STONE (left). This granite sphere was brought from England about 1700. It was used for grinding paint by the craftsman Thomas Childe, who occupied this site at that time. The stone was lost for several years, but was recovered when workmen were digging the foundation for the present building. Placed in the wall, it served as a point from which to measure distances. "Boston 8 miles" on a roadside marker meant 8 miles from the Boston Stone.

A section of the granite trough that was also used in the paint grinding is placed below the stone ball.

PROVINCE STEPS (right). The most magnificent private home in Boston in the late seventeenth century was that of Peter Sargeant. It stood on what is now Province Street.

The Province of Massachusetts Bay bought this mansion in 1716. It served as administrative center of the Province and then of the Commonwealth until the building of the new State House.

All that remains of this historic estate is the unusual flight of steps.



Is Rome Changing?

W. L. EMMERSON

THOSE WHO HAVE taken note of recent pronouncements in papal encyclicals and by high Roman Catholic authorities will have been impressed by the contrast between some of these modern affirmations and the declarations of past centuries, and doubtless many have asked themselves the question Is Rome changing?

Take, for example, Rome's attitude to Bible reading. For some years now Roman Catholics have been constantly urged to study the Bible, and beautiful new editions of the Scriptures are being widely advertised in the Catholic press.

Any, however, who may be tempted to believe that this indicates a movement nearer to the Protestant position of the supremacy of the Word will be quickly disillusioned when they discover that this new advocacy of Bible reading is strictly hedged around by the injunctions to use only the authorized Roman translations of the Bible and to be guided always by the "sense which our holy mother the church has held and does hold, to which it belongs to judge of the true sense and interpretation of the Scriptures." The modern encouragement of Bible reading by Catholics represents, in fact, no change whatever in the subservience of the Bible to the "traditions" of the Roman Church.

Another apparent change of face is in the modern attitude of Rome to religious liberty. Many recent pronouncements contrast strikingly with the bitter intolerance of the Roman Church in the Middle Ages, and with the attitude of Rome today in some countries where she still dominates the state.

For example, the French Jesuit Robert Rouquette in *L'Eglise et la Liberté* says: "It should be the strict duty of the Christian state to ensure effective freedom of conscience, of propaganda, of worship, and of teaching to all ideological groups which do not constitute a danger to the general welfare of the state."—Page 222.

In England Cardinal Griffin, Roman Catholic Archbishop of Westminster, has said, "Every state must guarantee freedom of religion and assure everybody of

equal liberty to follow the religion dictated by his conscience."—Cited in *Revue Nouvelle*, May 15, 1948.

While Mgr. François Charrière, Bishop of Lausanne, Geneva, and Fribourg, asserted in a public address:

"We are deeply convinced, that it is not only lawful but necessary in conscience and not by opportunism, to respect the diversity of religions and their liberty."—*Le Courier*, April 26, 1957.

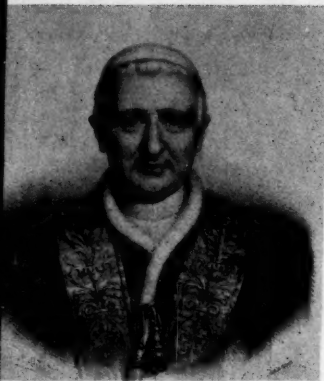
In his valuable survey on *Roman Catholicism and Religious Liberty*, published recently under the auspices of the World Council of Churches, Dr. A. F. Carrillo de Albornoz goes so far as to state that "for one book or article in favour of the traditional doctrine, *ten* have been published defending universal religious freedom" (italics his). He further states that this formidable array of recent affirmations of belief in religious liberty by Roman Catholics have all been issued under the "nihil obstat" of the Roman Church, and that the majority come from countries where Roman Catholics are in majority, such as France, Belgium, Austria, Portugal, West Germany, and even Spain and Italy.

So again the question may well be asked, Is Rome really changing in respect to its attitude to religious liberty?

Before being carried away by this seeming overwhelming evidence we need to look a little more precisely into what this change in theological thinking actually involves.

Now one of the important doctrinal distinctions made by Roman theologians is between what they call "thesis" and "hypothesis." "Thesis," Dr. Carrillo explains, is what Rome teaches and practices "when pure Roman Catholic principles can be applied. "Hypothesis," on the other hand, is what Rome teaches and practices "when owing to adverse circumstances, Roman Catholics cannot prudently impose their principles."

In the past, Dr. Carrillo asserts, "The Roman Catholic Church seems to have always acted, in practice, against the principle of religious liberty. The Inquisition, the



(Gregory XVI)

freedom of conscience—
"false and ridiculous
maxim."



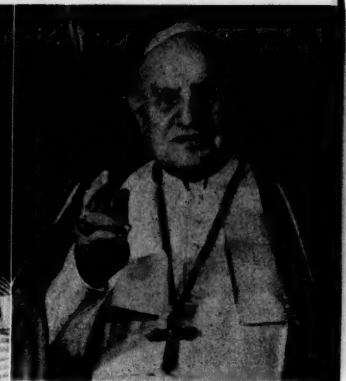
(Pius IX)

freedom of profession—
"proposition condemned."



(Pius XII)

"duty of suppressing . . . error cannot
. . . be the final norm of action."



(John XXIII)

intolerance—
thesis or hypothesis?

historical fact of 'Sacral Christendom,' the bloody persecution of heresy, the confabulation of church and state to oppress non-Catholic citizens, all seem to point toward an intolerant attitude which should necessarily correspond to an intolerant doctrine." In other words, Rome has in the past denied religious liberty to all but her own adherents on principle, or by "thesis."

Even as late as the nineteenth century, Dr. Carrillo goes on to show, statements of doctrine by the popes "seem to have condemned, clearly and without ambiguity, religious liberty."

Thus Gregory XVI spoke of the "poisoned root of indifference" from which has sprung the "false and ridiculous maxim that every individual must be allowed and guaranteed freedom of conscience."—*Mirari vos*, Aug. 15, 1832.

Pius IX in his *Syllabus* similarly condemned the proposition "that every man is free to embrace and to profess the religion he has judged by the light of reason to be true." While Leo XIII declared in *Libertas praestantissimum* (June 20, 1888) that "the state cannot adopt the same attitude to all religions and grant them the same rights without discrimination."

On this basis, therefore, the intolerance of the Roman Church in the past was clearly of the essence or "thesis" of Roman Catholic teaching, and the tolerance it was compelled more and more to allow in the nineteenth century was a necessary expedient dictated by "hypothesis."

What then is the change that has produced in modern Roman Catholic pronouncements a ten-to-one majority in favor of religious liberty? Have the protagonists of the "new view" summarily condemned the teachings of their predecessors? By no means. What they have done is simply to declare that the theologians of the past, both Catholic and Protestant, have been mistaken in thinking that Rome was opposed to religious liberty by "thesis." Rome, they now say, has believed on principle in religious liberty all the time, and such pro-

nouncements as she has seen fit to make, or actions she has needed to take in the past, contrary to this principle, were "conditioned by very peculiar historical circumstances and by no means the 'thesis' of the church." That is, they were temporary expedients based on "hypothesis."

Yves Congar, O.P., in his *Tolérance et communauté humaine*, puts it this way: "The direct subordination of the state to the jurisdictional power of the church, the method characteristic of mediaeval Christendom, is one of the hypotheses brought forward by history, but it is not necessarily called for by thesis." Moreover, he adds, the work of the church "may be better carried out" in our modern age "through the prophetic word and by the teaching of the church."—Page 196.

Thus by a simple inversion of two abstruse theological terms all the horrors of papal persecution, estimated to have claimed 50 million victims, are now disclaimed as being of the essence or "thesis" of Roman teaching and practice and are but the temporary application of the principle of "hypothesis," unfortunately necessitated by the times. And so Rome is now free to affirm that on principle, or by "thesis," she has believed in religious liberty all the time!

Surely Roman theologians have never provided a more blatant example of casuistry than this!

One would have imagined that even Roman Catholic theologians would have found it difficult to sustain this complete reversal of "thesis" and "hypothesis" in relation to religious liberty in view of the authoritative pronouncements of the popes we have quoted, but they have a way round this too.

They argue that while "canons of the councils, affirmed by the Pope" are universally and rigorously binding, "other documents, encyclicals, letters, or declarations aim to orient the thought and conduct of Catholics in the circumstances in which they find themselves at any given moment: they often contain contingent elements which bear the mark of a certain historical

situation and are consequently subject to revision."—A. LATREILLE, *Le Catholicisme*, p. 32.

In view of this, they assert, the statements against religious liberty by popes down to the nineteenth century were not "definitio ex cathedra," but "the theoretical echo of a time-conditioned situation."—MAX PRIBILLA, S.J., in *Stimmen der Zeit*, 144, 1949, p. 32.

This, in fact, is the view taken by recent popes of the pronouncements of their predecessors, for Pius XII, addressing an International Congress of Historical Sciences in 1955, declared explicitly that the medieval idea of the church having power over the state "was time-conditioned." And to an audience of Catholic jurists in 1953 he said that "the duty of suppressing moral and religious error cannot . . . be the final norm of action."

From these statements Albert Hartmann, S.J., in his *Toleranz und Christlicher Glaube*, concludes that Pius XII has completely inverted the traditional distinction of "thesis" and "hypothesis," and that he rejects the right of the state to "suppress religious error in public life . . . as an ultimate norm for action."

Dr. Carrillo, of course, takes quite an optimistic view of this change of attitude on the part of the Roman theologians. He believes that they are drawing nearer to the non-Roman churches in this respect and has good hopes that the ten-to-one majority of recent writers will result in some authoritative pronouncement, perhaps at the forthcoming Ecumenical Council. But it must surely be recognized that even if John XXIII should make a great declaration along the lines of religious liberty at that time, this would not in any way limit Rome's freedom of action in the future. For if the persecutions of the Middle Ages were "time-conditioned" by the circumstances that then obtained, who is to say that circumstances may not arise again which might necessitate another application of the "hypothesis" of religious persecution? The results would be the same whatever the theological definition!

It may be said that to take this attitude is to mistrust the sincerity of modern Roman Catholic expositors of religious liberty, but this is not so. These theologians are no doubt entirely sincere in their expositions and may believe that the "hypothesis" of religious intolerance will never have to be invoked again. But, unfortunately, the history of Rome in the past and her present conduct where she has dominating power gives little justification for any such optimism. ★★★

Seedlings of Liberty

From page 16

became clear. Thus we came to look at the bus and textbook issue, where tax money as well as the state police and welfare power is involved, through the *Zorach* decision, the last significant statement of the Court, with its implications that government could, indeed

should, be friendly to religion and that such friendly feeling did not constitute a breach in the wall.

Teachers Easy Prey

Teachers are notoriously tax conscious, and they fall easy prey to one argument on the textbook issue. After all, compared to other costs, the cost of books is slight, the books are regular secular books. If the churches cannot meet these costs, what is the alternative? They will turn all the students back to the public schools, and then the schools will be swamped, and so will the taxpayers. But teachers are sensitive not only to the taxpayers' howls but also to the purposes public funds are expended for. Things began to fall into place when we put up for discussion whether the ends and purposes of the school district or of the church would be served by supplying the textbooks. Obviously, the church's. Do church and public school share the same aims in education?

Obviously not, came the immediate reply, and some of the students felt that they finally had the answer. But second thoughts brought an uneasy feeling. Did this mean that if the aims were the same, the use of tax funds for the support of religious establishments was constitutional? Could the church perform the state's function? Penetrating more deeply, was it not socially desirable, in a pluralist society, to have institutions supporting aims and ends different from each other, different from, perhaps opposed to, those espoused by the state? If desirable, why not supportable? "The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations," McReynolds has said in *Pierce*. Is the "best citizen" one who supports the state's activities unquestioningly, or one who, recognizing other standards, derived from other allegiances, is critical of its activities?

What we were discussing, of course, was the absolute nature of the guarantee of religious freedom, whether having "guaranteed" parents the right to nurture their children as (within limits) they saw fit, the state, in effect, had also "guaranteed" parents, through their voluntary associations called churches, the means so to nurture them. We have no answers to give, for our purpose was not to indoctrinate but to help the teachers explore the questions, to give them the means and the confidence to explore these problems with their students. We were not making converts to a rigid separatist doctrine, however much we might consider it best, for reasons I shall indicate in a forthcoming article, but we were planting seedlings of liberty, sending teachers back into the school systems with greater faith in the two great pillars of our heritage, the rule of law and freedom of belief and information. We believe that this is one of the best ways to preserve liberty, for young people need to come into contact with a fresh and vigorous belief in liberty. ★★★

The First SUNDAY BLUE LAWS

ROBERT LEO ODOM

Research Consultant

Conclusion

THE FIRST SUNDAY blue law was decreed by Constantine I, emperor of the Roman Empire, on March 7, A.D. 321. It reads as follows:

Let all judges and townspeople and all occupations of trade rest on the venerable day of the Sun; nevertheless, let those who are situated in the rural districts freely and with full liberty attend to the cultivation of the fields, because it frequently happens that no other day may be so fitting for the planting of grain and setting out of vineyards, lest at the time the commodities conceded by the provision of Heaven be lost. Given on the Nones [seventh] of March, Crispus and Constantine being consuls, each of them the second time.¹

Strange as it may seem, on the following day—March 8—the emperor issued a law that required the superstitious consultation of the *haruspices*, the soothsayers whose official duties included divination by examining the entrails of animals offered as sacrifices to the pagan gods. The edict commanded:

That whenever the lightning should strike the imperial palace or any other public building, the *haruspices*, according to ancient usage, should be consulted as to what it might signify, and a careful report of the answer should be drawn up for our use.²

The Sunday law of March 7, 321, was interpreted by some legal minds to mean that emancipation promised to slaves could not be effected on a Sunday, because it was a legal act of a judicial nature. When this matter was brought to his attention, Constantine promulgated in June of that same year a second Sunday law, which reads thus:

As it should seem most improper that the day of the Sun, noted for its veneration, be occupied in wrangling discussions and obnoxious contentions of parties, so it is agreeable and pleasing to be performed on that day what is principally vowed; and also all may have liberty on this festive day for emancipation and manumission [of slaves], and acts concerning these matters may not be prohibited.³

Note that in the first law Constantine speaks of Sunday as "the venerable day of the Sun." In the other edict he speaks of Sunday as "this festive day"

and as "the day of the Sun, noted for its veneration." This shows that Sunday was then popularly regarded as a religious festival named in honor of the Sun, which was at that time the principal object of worship in the widely diffused state cult of Romanized Mithraism. Abundant historical and archeological evidence shows that since the first century before the birth of Christ the Sun, Moon, Mars, Mercury, Jupiter, Venus, and Saturn had been worshiped as planetary gods throughout the heathen world, and that the days of the week had been consecrated to, and named after, those deities in the popularly used astrological and religious calendars of that age.⁴

Moreover, since the middle of the second century after the birth of Christ, as attested by Justin Martyr's *First Apology*⁵ addressed to Emperor Antonius Pius (138-161), some Christians in Rome and other places had held religious meetings on Sunday in memory of the Saviour's resurrection. Constantine was not, therefore, the originator of Sunday observance. He was, however, the first civil ruler to compel people, by means of civil legislation, to observe that religious festival by abstaining from their ordinary work.

Philip Schaff, church historian, aptly remarks:

The Sunday law of Constantine must not be overrated. He enjoined the observance, or rather forbade the public desecration of Sunday, not under the name of *Sabbatum* [Sabbath] or *Dies Domini* [Lord's day], but under its old astrological and heathen title, *Dies Solis* [Sunday], familiar to all his subjects, so that the law was as applicable to the worshippers of Hercules, Apollo, and Mithras, as to the Christians. There is no reference whatever in his law either to the fourth commandment [of the Decalogue] or to the resurrection of Christ.⁶

Arthur P. Stanley, another church historian, comments:

The retention of the old pagan name of "*Dies Solis*" or "Sunday," for the weekly Christian festival, is in great measure owing to the union of pagan and Christian sentiment with which the first day of the week was recommended by Constantine to his subjects, pagan and Christian alike, as the "venera-

ble day of the Sun." His decree regulating its observance has been justly called a new era in the history of the Lord's day. It was his mode of harmonizing the discordant religions of the empire under one common institution.⁷

It is certain, beyond a shadow of a doubt, that religion, as well as politics, motivated Constantine to issue his Sunday blue laws. Eusebius, early church historian and the bishop of Caesarea, was a personal friend, flatterer, and biographer of that emperor. When Constantine died in 337, this prominent ecclesiastic delivered the funeral oration and eulogized the deceased emperor because "he commanded also that one suitable day for prayers be regarded, the truly chief, and first, and really Lord's and salutary [day], and also that of light, and of life, and of immortality, and of every good thing named."⁸

"Who else," asked Eusebius on the same occasion, "has commanded those inhabiting the great globe of earth, and those throughout land and sea, that they should regard the Lord's day in every week, and upon it should celebrate a festivity, and build up their bodies, and furnished an incentive to their souls for divinely inspired instructions?"⁹

Reporting Constantine's Sunday legislation more fully, Eusebius wrote in his biography of that emperor:

And also he ordained a suitable day for prayers, the truly chief, and first, and really Lord's and salutary [day]. And deacons and ministers consecrated to God, men both sober of life and adorned with every virtue, he appointed custodians of all his house. The faithful spearmen and bodyguards, equipped with the arms of virtue and faith, had for a teacher of piety none other than the emperor himself; and they failed not to honor the Lord's and salutary day, offering up among themselves gracious prayers for the emperor. And the Blessed Prince labored to make all men do this, as it were making a vow itself, to make all men little by little religious. Wherefore, to all those governed under the Roman Empire he commanded to be made a rest on the days named for the Saviour; and likewise also those of the Sabbath¹⁰ to honor; it appears to me, with respect to a memorial of the things remembered to have been done on these days by the common Saviour.

Note particularly that Constantine's objective in all this was "to make all men little by little religious." Ecclesiastical leaders who advocate the enactment and enforcement of Sunday blue laws by the civil authorities today frequently express the opinion that such religious legislation by the state would promote religious piety and create greater respect for the Christian religion.

Eusebius adds:

And the salutary day, which also happens to be named in honor of the light and of the Sun, he [Constantine], earnestly teaching all the army to honor, gave to those partaking of the faith in God leisure to attend the church of God unhindered, in honor of whom to devote to prayers without any one being an impedient to them.

And for those not as yet partaking of the Divine Word, he commanded in a second law that they be marched on the Lord's days to the open field before the camp, and there, at a given signal, offer up together with one accord a prayer to God. . . . And he was a teacher of prayer to all the soldiers, exhorting them all to say together in the Latin tongue thus:

"Thee alone we acknowledge as God; and Thee we reverence as King. We invoke Thee as our Helper; and to Thee we owe our victories. By Thee we have put down our enemies. We thank Thee for the good things of the past; and in Thee we hope for the future. We are all become Thy supplicants; and we earnestly beseech Thee to preserve to us our emperor Constantine and his divinely beloved sons in long life of health and victory."¹¹

Since ancient times the Romans had been accustomed to holding markets (*nundinae*) every eight days. The continuation of this practice would mean that the market day would fall on a Sunday once in every eight weeks. Would holding market on "the venerable day of the Sun" be a violation of Constantine's Sunday blue law? It appears that this legal question was brought to his attention. An inscription of that emperor, found inscribed on a Slavonian bath rebuilt by him, says: "Also by the provision of his piety, he ordained that markets [*nundinae*] be held on the day of the Sun perpetually throughout the year."¹²

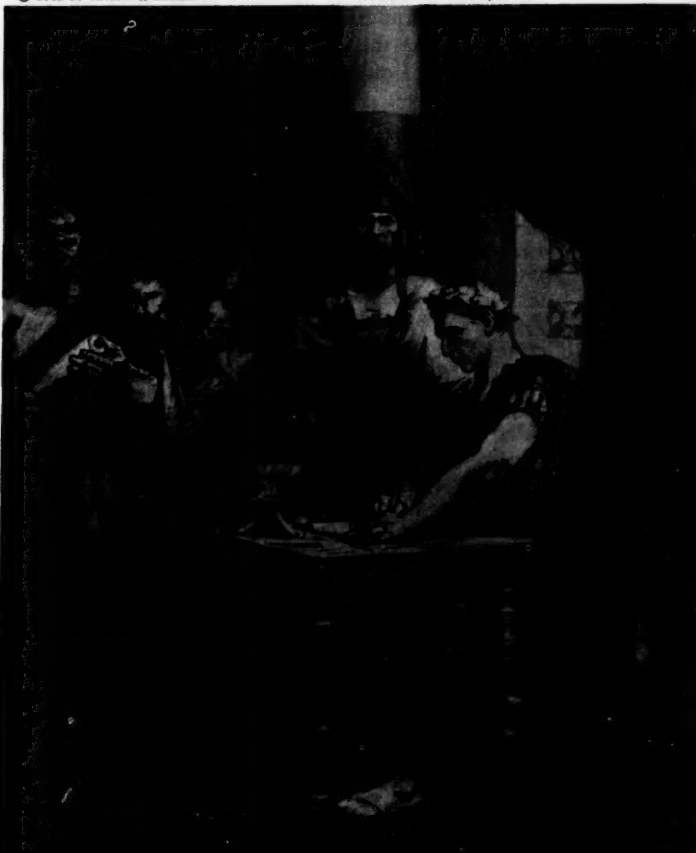
Although forbidden at various times and in different places by later civil rulers, market days are still held on Sunday in many parts of continental Europe.

No controversy concerning Sunday observance created more discord and strife throughout Christendom during the early centuries than did the dispute as to when the annual Paschal (Easter) commemoration of Christ's death, burial, and resurrection should be held. At an early date many Christians deemed it fitting to hold such a yearly memorial service during the Passover season in remembrance of the sufferings of their Lord. The most ancient practice among the churches

Emperor Constantine I signs first Sunday law, March 7, A.D. 321.

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FREDERICK B. CRUGER, ARTIST



was to make the fourteenth day of the first lunar month the high day for this observance, regardless of what day of the week this date might fall on, for it was on that date that Christ had been crucified. They ate the Lord's Supper as a fitting climax of this yearly commemoration, because the Lord Himself had done so on that date and had ordained that it be eaten thereafter in memory of His death (not His resurrection).

After the long and terrible war during which the Romans had put down the second great rebellion of the Jews in Palestine (131 to 135), Judaism was outlawed by the Roman Government, and its religious observances were severely prohibited. The bishops of Rome decided to make the first Sunday following the fourteenth day of the first lunar month the high day in the annual commemoration of the Lord's passion, and that the Lord's Supper should be eaten on the first day of the week in commemoration of Christ's resurrection. This innovation would serve to differentiate the ecclesiastical Pascha (Easter) from the Jewish Passover there.

Polycarp, bishop of Smyrna, went to Rome and tried in vain to persuade Anicetus, bishop of the Roman church (154-165 approximately), not to do such a thing. Controversy over this matter gradually assumed such proportions that Victor I, bishop of Rome (189-198), backed by a few other bishops, launched a move to excommunicate from the sisterhood of Christian churches all congregations that would not follow the Roman church in making Sunday the high day of the annual Paschal (Easter) observance. This aroused a vigorous protest from the leaders of the churches throughout Asia Minor. The Roman bishop received a sharp rebuke from Irenaeus, bishop of Gaul, and was unable to carry out his plan.¹⁴ The controversy lasted almost two centuries, until Constantine intervened in 325 to legalize the practice of the Roman bishops and to outlaw that of the opposing party. Concerning this Eusebius wrote:

Accordingly, the people being thus in every place divided in respect of this, and the sacred observances of religion confounded for a long period (insomuch that the diversity of judgment in regard to the time for celebrating one and the same feast caused the greatest disagreement between those who kept it, some afflicting themselves with fastings and austerities, while others devoted their time to festive relaxation), no one appeared who was capable of devising a remedy for the evil, because the controversy continued equally balanced between both parties.

To God alone, the Almighty, was the healing of these differences an easy task; and Constantine appeared to be the only one on earth capable of being His minister for this good end. For as soon as he was made acquainted with the facts which I have described, and perceived that his letter to the Alexandrian Christians had failed to produce its due effect, he at once aroused the energies of his mind, and declared that he must prosecute to the utmost this war also against the secret adversary who was disturbing the peace of the church.

Then as if to bring a divine array against this enemy, he [Constantine] convoked a general council, and invited the speedy attendance of bishops from all quarters, in letters expressive of the honorable estimation in which he held them.

Nor was this merely the issuing of a bare command, but the emperor's good will contributed much to its being carried into effect: for he allowed some the use of the public means of conveyance, while he afforded to others an ample supply of horses for their transport. The place, too, selected for the synod, the city of Nicaea in Bithynia (named from "*Victory*"), was appropriate to the occasion.¹⁴

Constantine himself attended the Council of Nicaea, held in 325, and was given a seat of honor in it. It must have been an interesting sight to see, the Pontifex Maximus of old state religion collaborating with leading Christian clergymen in making the historic decisions of that ecclesiastical assembly.

The Nicene Council decreed in favor of Sunday observance in the annual Paschal (Easter) celebration. Constantine thereupon issued an edict in the form of a lengthy letter commanding all Christendom to obey the council's decree. The imperial epistle abounds with animosity for the Jews, and shows that the principal reason for the Roman mode of Easter observance was to avoid having the high day of the annual celebration take place on the date on which the Jews had crucified Christ. Here are some of the sentiments expressed by Constantine in his letter to all church leaders concerning the Nicene Council's action:

"At this meeting the question concerning the most holy day of Easter was discussed, and it was resolved by the united judgment of all present, that this feast ought to be kept by all and in every place on one and the same day. . . . It appeared an unworthy thing that in the celebration of this most holy feast we should follow the practice of the Jews, who have impiously defiled their hands with enormous sin, and are, therefore, deservedly afflicted with blindness of soul. . . . Let us then have nothing in common with the detestable Jewish crowd. . . . Beloved brethren, let us with one consent adopt this course, and withdraw ourselves from all participation in their baseness. . . . In fine, that I may express my meaning in as few words as possible, it has been determined by the common judgment of all, that the most holy feast of Easter should be kept on one and the same day. . . . As soon, therefore, as you have communicated these proceedings to all our beloved brethren, you are bound from that time forward to adopt for yourselves, and to enjoin on others the arrangement above mentioned, and the due observance of this most sacred day."¹⁵

In summation, Constantine issued six laws relative to Sunday observance: (1) that of March 7, 321, ordering courts, trades, and townspeople to rest "on the venerable day of the Sun"; (2) one in June of that year to sanction the emancipation and manumission of slaves on Sunday; (3) one granting Christian soldiers permission to attend church services on Sunday; (4) one requiring non-Christian soldiers to recite a prayer together on the drill field on Sunday; (5) one permitting markets to be held on Sunday; and (6) an epistolary edict commanding all Christendom to obey the decree of the Council of Nicaea (in 325) that Sunday should be made the high day in Easter celebration every year.

By means of Constantine's Sunday blue laws, the Roman government for the first time gave official cognizance to the seven-day week and integrated it into the civil calendar.¹⁶ Government officials had to keep ac-

curate track of the passing of the days of the week from that time forward in order to enforce those edicts.

Note particularly that in his Sunday blue laws, Constantine provided no exemption whatsoever for those God-fearing Jews and Christians who observed the seventh day of the week as the Sabbath. The number of such people throughout the Roman Empire at that time was very large. The same spirit of religious intolerance generally has marked the enactment of Sunday blue laws from that time to the present, though in a few instances a sense of justice has led lawmakers in America to provide exemption for citizens who religiously observe another day of the week than Sunday for rest and worship. ★★★

NOTES AND REFERENCES

¹ Code of Justinian, book 3, title 12, law 3, in *Corpus Iuris Civilis* (Leipzig, Germany, 1829-1837), vol. 2, p. 108.

² Code of Theodosius, book 16, title 10, law 1, in *Codex Theodosianus* (Bonn, Germany, 1842), col. 1611.

³ *Ibid.*, book 2, title 8, law 1, in *Codex Theodosianus*, cols. 207, 208.

⁴ Robert L. Odom, *Sunday in Roman Paganism* (Review and Herald Publishing Association, Washington, D.C., 1944).

⁵ Justin Martyr, *First Apology*, chap. 67.

⁶ Philip Schaff, *History of the Christian Church* (Chas. Scribner's Sons, New York City, 1916), vol. 3, p. 380.

⁷ Arthur P. Stanley, *History of the Eastern Church* (Chas. Scribner's Sons, New York City, 1884), p. 184.

⁸ Eusebius, *In Praise of Constantine*, chap. 9, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 20, cols. 1365, 1368.

⁹ *Ibid.*, chap. 17, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 20, col. 1437.

¹⁰ Note: The Greek text of Eusebius plainly says "the Sabbath," as follows: ὁμοίῳ δὲ καὶ τὰς τοῦ Σαββάτου τιμῇν

(*The Life of Constantine*, book 4, chap. 18). We know for a certainty that the seventh-day Sabbath was still observed by most of the churches throughout Christendom then. Some commentators, however, think that there may have been an error in the transcription of the original text, and that it may have meant originally "the day before the Sabbath," that is, Friday, which was then, and still is, an ecclesiastical fast day. This supposition of a corrupted text is based on the following statement from Sozomen, a church historian of the latter part of the fifth century: "And that the Lord's day, which the Hebrews call the first day of the week, and which the Greeks devote to the Sun, and (day) before the seventh, he [Constantine] commanded all the judges and others to make a rest, and in prayers and supplications to worship the Deity." —*Ecclesiastical History*, book 1, chap. 8, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 67, cols. 880, 881.

¹¹ Eusebius, *The Life of Constantine*, book 4, chaps. 18-20, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 20, cols. 1165-1168.

¹² J. Grueterus, *Inscriptiones Antiquae Totius Orbis Romani* (Amsterdam, Holland, 1707), vol. 1, p. 164, no. 2; *Corpus Inscriptionum Latinarum* (G. Reimer, Berlin, 1863), vol. 3, part 1, p. 523, no. 4121; Jo. Casp. Orellius, *Inscriptionum Latinarum Selectarum Amplissimo Collectio ad Illustrandum Romanam Antiquitatem* (Zurich, Switzerland, 1828), vol. 1, p. 141, no. 508.

¹³ Eusebius, *Church History*, book 5, chaps. 23, 24, in *A Select Library of Nicene and Post-Nicene Fathers* (The Christian Literature Co., New York City, 1890), second series, vol. 1.

¹⁴ Eusebius, *The Life of Constantine*, book 3, chaps. 5, 6, in *A Select Library of Nicene and Post-Nicene Fathers*, second series, vol. 1, p. 521.

¹⁵ *Ibid.*, chaps. 17-20.

¹⁶ Robert L. Odom, *Sunday in Roman Paganism*.



1886

Seventy-five years ago

RUSSIAN BAPTISTS SENTENCED.—Two Russian Baptists who were accused by Russian priests because of their belief were sentenced to death by the Court. Their wives, children, and relatives also were arrested, and on expressing their determination not to yield their faith were sent to prison.

1911

Fifty years ago

PAGANIZE, MAYBE?—The Lord's Day Alliance in Canada is advocating that as a means of Canadianizing foreigners they should be made to keep Sunday. Such an effort may Canadianize men, but will it Christianize them?

1921

Forty years ago

SARTORIAL STATISTICS.—From statistics gleaned from 500 women students at Stanford University, California, it was learned that they spent an average of \$812 a year on clothes. Twenty-four per cent of them spent more than \$1,000, and six per cent less than \$250. Male students averaged a yearly expenditure of \$279.

1926

Thirty-five years ago

SUNDAY LAW BLUES.—Four Sunday bills are being considered by the judiciary subcommittee of the House District Committee. Seven sessions, totaling 18½ hours, have been devoted to hearings. It is reported that five out of the seven members of the subcommittee are in favor of Sunday laws.

1936

Twenty-five years ago

LONG-GONE LIBERTIES.—A Christian group meeting in Brünn, chief city of Moravia, sent telegrams of greeting to the president of the republic of Czechoslovakia, Dr. Benes, and to the veteran ex-president and founding father of the country, Professor Masaryk. Before World War I, when most of Czechoslovakia was part of Austria, there was no religious liberty. "Now we have freedom," a delegate told an American visitor, "just as you have in America."

47 COUNTRIES HAVE DIPLOMATIC REPRESENTATION AT VATICAN

Vatican City.—Countries maintaining a diplomatic representation at the Vatican number 47 at present, according to a new official "List of the Diplomatic Corps" issued by the Vatican Secretariate of State.

The new tabulation shows 35 countries with embassies, 11 with legations, and one with a chargé d'affaires.

SUNDAY BATTLE RENEWED IN SCOTLAND

THE GENERAL ASSEMBLY of the Church of Scotland recently rejected, by the narrow margin of 220 to 208 votes, a report submitted by the Church and Nation Committee on "The Christian Use of Sunday." The committee had proposed some relaxations of the Sabbatarian strictness of the Westminster Confession, which still characterizes Sunday observance in Scotland.

The report submitted that while "the observance of the Lord's Day goes back to the very earliest period of Christian history . . . different convictions have been held in different parts of the Church and in different periods, as to the relationship between the Lord's Day and the Jewish Sabbath" and that this divergence of opinion "almost certainly exists within the Church of Scotland today."

Without entering too deeply into "the precise relationship of the Christian Lord's Day to the Jewish Sabbath" the committee argued that it was "plain from the New Testament Scriptures that while our Lord deliberately repudiated the emphasis placed in later Judaism on the necessity of the elaborate regulations governing the Sabbath, He was far indeed from repudiating the Sabbath itself as a day of worship and meditation, and of spiritual and physical rest." It therefore came to the conclusion that "the Christian Lord's Day, observed by worship, is the true fulfillment of the ancient Sabbath, though it is not necessarily bound by the regulations which governed that day."

From this rather vaguely defined theological position the committee went on to suggest that if "worship and prayer, serious reading and thought, works of compassion and unselfish service" were recognized as the "primary uses of the Lord's Day," there was no reason why some part of the day should not be used for "enjoyment whether in walking, driving, sailing, swimming, or in the playing of games."

It felt that the church need not "set its face against the opening of cinemas, recreation rooms or restaurants" on Sunday, and that church halls might even be made available on Sunday evenings for teen-agers to "foregather, to meet, to talk, to dance, to enjoy one another's company in healthy surroundings."

The committee emphasized that in making these suggestions it had no intention of advocating or countenancing "a greater degree of laxity in the observance of the Lord's Day." It was resolutely against extending Sunday work in industry beyond what was absolutely necessary and against "sports and amusements organized on a large scale and for commercial gain" on the grounds that they cause an immense amount of work for large numbers of people, but they felt that if "the attempted inroads of commercialism in different forms" were resisted, the suggestions they made would lead to "a more responsible and enriching use of the Lord's Day."

The convener of the committee, Dr. A. Neville Davidson, of Glasgow Cathedral, commending the report of the Assembly, pointed out that John Calvin himself had been wont to indulge in games on Sunday, and felt that the Presbyterian Church today would not be wrong in taking a similar position. Other theologians, however, like Prof. T. F. Torrance of New College, Edinburgh, and the Reverend E. S. P. Heavenor, of North Berwick, argued that decisions on Sunday observance could not be taken without "getting down to the proper theological grounds" and that as the committee had not done this the statement only made "confusion worse confounded" and left church people not "enlightened but filled with indecision." This criticism of the committee for failing clearly to define the theological basis of Sunday observance was evidently shared by a majority of the Assembly and the report was referred back to the committee in consultation with the Panel on Doctrine for further study.

The vote was certainly a wise one, for obviously no decision can be arrived at on what is the proper use of Sunday if "the precise relationship" between Sunday and the Sabbath of the fourth commandment is deliberately evaded.

If Sunday can be proved to be the Sabbath of the Christian Era by divine ordination, then it should, without question, be observed in a manner prescribed by the fourth commandment. But if it cannot be proved from the Bible that the sanctity of the Sabbath was transferred to Sunday, then the church has no right to place Sabbatarian restrictions upon its use, and it has equally no right to call it the "Christian Sabbath."

Finally, if, as the committee suggests, Sunday is to be a Sabbath yet without "the regulations which governed that day," this half-and-half position must certainly be fully substantiated from the teaching of Jesus.

We hope that the Panel on Doctrine of the Presbyterian Church will get down to some real study on these points. If they do so with open minds, we believe that they can come to but one conclusion, namely that the only day which God has ever designated the "Sabbath" is the "seventh day" of the week as specified in the fourth commandment, and which we now call Saturday, that this was the day that it was the "custom" of Jesus throughout His life on earth to keep, and that He never expected Christians to observe the Sabbath on any other day than this.

And if they reach this conclusion they will no longer need to address themselves to the question of "The Christian Use of Sunday," but to the far more vital question of "The Christian Use of God's True Sabbath."

W. L. EMERSON

BILL THREATENS MINORITY RELIGIOUS GROUPS IN CEYLON

THE UNITED NATIONS may need to dust off the Universal Declaration of Human Rights and send an underlined copy to the Government of Ceylon, one of its signers, if a bill introduced in the Colombo Parliament becomes law. By empowering the Director of Cultural Affairs and the Minister of Culture, under certain conditions, to destroy shrines and to ban the building of new places of worship, the bill would give the Government absolute control over all places of worship on the island.

The bill technically places all religions on the same footing, but Christians in Ceylon believe that it represents an antireligious measure aimed against the Christian minority in the predominantly Buddhist country. They point to three provisions in the bill as being particularly offensive. One provides that anyone who intends "to construct or convert, or cause to be constructed, any building for the purpose of being used as a place of public religious worship" must first obtain a license from the Director of Cultural Affairs. The second empowers the Director to order places of worship destroyed if he deems them to be in an area of archeological or artistic interest. The third stipulates that for any application to be approved, it must be accompanied by a petition signed by at least 250 persons who share the same religion and reside within a radius of half a mile from the site of the building. In addition, the bill requires that the site of the building must be outside a radius of one mile from any other place of public worship.

The Buddhists, being an overwhelming majority and politically powerful, would find it easy to secure per-

mission to build temples, but the small Christian community could hardly either build new places of worship or prevent existing places from being destroyed.

A nation's fidelity to principles of freedom is not proved primarily by the signing of a Universal Declaration of Human Rights, nor yet by the way in which these principles are applied to politically powerful majority groups. It is proved, rather, by the application of these principles to politically powerless minorities. This is the test facing the Government of Ceylon. R. R. H.

HOW WOULD YOU LIKE IT IF . . .

IN POINTING OUT the inequities of Sunday laws, Seventh-day Adventists and other Sabbathkeepers have for years with varying degrees of success resorted to: "How would *you* like it if the legislature should declare Saturday to be the weekly day of rest, and enforce it by law?" The ranks of the Lord's Day Alliance and other Sunday-pushing bodies likely have not suffered much from defections of the empathetically oriented, but the argument possesses a certain nuisance value—especially when used on those who have a nodding acquaintance with the golden rule. It might possess more, if only it were not so "iffy."

Well, hypothesis has become thesis, with a few variations, to be sure. The day is Friday instead of Saturday and it didn't happen in Massachusetts or Maryland, but it happened! The Sudanese Government has substituted Friday, the Moslem holy day, for Sunday as the official weekly holiday in the country.

How do Sundaykeepers like it? Speaking for a Roman Catholic priest, the Reverend Paolino Dogale, not a bit! So little, in fact, that he sponsored the writing of a circular protesting the Government decree that made Friday the official Sabbath. Whether the circular dipped into the fine stock of antiauthoritarian arguments developed through the years by Sabbathkeepers is unknown; the RNS dispatch from Khartoum said only that the circular called for a protest "by peaceful means" against the Government's action, a boycott of work on Sunday, and faithful observance of religious duties. All in all, a commendable protest—these would appear to be arguments likely to impress the Sudanese Government.

And obviously impressed they were. So much so that they sentenced the protesting priest to a twelve-year prison term. Four youths who collaborated in writing the circular were also found guilty and sentenced to ten years' imprisonment each.

This rather spoils the story for Sabbathkeepers, who themselves have been imprisoned, both here and abroad, for protesting Sunday laws. Much as they would like to buttress their "How would you like it if . . ." with documentation, they would gladly resort once again to hypothesis, could the Friday "gray law" be wiped from the Sudanese slate.

R. R. H.

UNITED STATES

SIDEWALK PREACHERS ARRESTED

Cleveland, Ohio.—Three lay Baptist preachers were arrested for violating the city's new sidewalk ordinance as they addressed about 100 persons gathered across the Public Square. Jailed two hours, they were released on personal bond.

The Baptists were Fult H. Baker, 56; Basil Kalashnikoff, 61, a Russian-born Bible student; and Charles Denny, 43. In 1959 Mr. Baker appealed his conviction on a similar charge, and the court of appeals of Cuyahoga County declared the old sidewalk ordinance unconstitutional.

This is the first test of the new law. The old one forbade two or more persons to congregate on the sidewalk without having business there. The present ordinance declares that no persons may gather on the sidewalk to cause a breach of the peace or cause other pedestrians to walk in the street.

"Since when is preaching the gospel a breach of the peace?" asked Mr. Baker, a commercial artist. "We've been preaching on that same spot on warm days all winter and nobody has complained. Five or six times the police asked us to move back or farther up—but no arrests. We hope to have this arrest quashed."

"In New York, sidewalk preaching is not only allowed but it is encouraged all along Broadway. Police protect the preachers there by asking the hecklers to move along. Why should it be any different here?"

CHURCH OUSTS TEXAS LEGISLATORS FOR SUPPORTING BREWERY MEASURE

Fort Worth, Texas.—Two State legislators have resigned, one forcibly, from Baptist churches in Fort Worth following pastoral criticism of their support of legislation that would clear the way for a new \$20 million brewery in Tarrant County, south of Fort Worth.

Rep. George Richardson said he quit First Baptist church because of remarks made by the pastor, the Reverend Homer Ritchie, about him and other legislators backing the bill.

His action came after Rep. Tommy Shannon was forced to resign from Beacon Baptist church, where he was a deacon and Sunday school superintendent, because of his support of the bill.

At Austin, the State capital, Representative Shannon received a standing ovation in the House of Representatives, and members lined up to sign a resolution saying he "has ably represented his district—as a fine, outstanding member of this legislature—and we feel that his moral character and integrity are beyond reproach. We respect any man who holds to his convictions and who does not bow to the many pressures which must be confronted on numerous issues on each legislative day."

The bill would permit the Carling Brewing Company to continue operation of the brewery even if the precinct in which it would be located were to vote "dry" after its construction. The precinct voted "wet" by a narrow margin a few months ago, but "dry" forces are seeking another election.

Confirming dismissal of Representative Shannon from the Beacon church, the Reverend Cal Sims, pastor, said: "We are opposed to this thing [the brewery bill] in every way, form, shape or fashion, we don't think anyone should be for it and we teach against it. I'd ask my own mother, if she were alive today and took such a position, to dismiss herself from the church."

POST OFFICE FIRST LETTER ADDRESSED TO GOD

North Canaan, Connecticut.—When the new U.S. Post Office was dedicated in this northwestern Connecticut town, Father Francis A. Hale, of St. Joseph's Roman Catholic church, gave the invocation in the form of a letter to God. The prayer:

"DEAR GOD:

"We, Your devoted children in Canaan lands of Your vineyard, would send up this letter of prayer today as the first letter from our stately new post office.

"You are ever and always in loving and unending communication with us. And we pray that, passing through this beautiful building, our communications with our fellow men will bear something of that same love that unites You with us.

"We pray that the 'Dear Sirs' and the 'Very truly yours' will be more than mere words here in Canaan.

"We pray that all our messages . . . (each, just a little bit) . . . will help to bind all of us, through charity to You, God, our Father, and to Christ, our Brother.

"Very truly yours. The people of North Canaan. Amen."

OBJECTOR WINS ACQUITTAL

Portland, Oregon.—A 25-year-old Oswego, Oregon, man who refused to do civilian work ordered by his draft board has won acquittal in a trial without a jury before U.S. District Judge Gus J. Solomon.

Paul Dean Lane was indicted on a charge of violating the Selective Service Act by refusing to do the civilian work. He told the judge that the tasks to which he had been assigned involved violation of his religious principles. He is a member of the Radio Church of God.

He said one of the tasks given him by the Washington County (Oregon) draft board would have required him to work on Saturdays, which his religion forbids. Another would have required him to handle drugs, also against his faith, he testified.

In another case before Judge Solomon, a member of the Jehovah's Witnesses pleaded guilty to violating the Selective Service Act by refusal to perform civilian work ordered by the Lane County (Oregon) draft board. He was sentenced to three months in jail.

ARGENTINA

JUSTICE OF THE PEACE WHO BANNED CRUCIFIX SUSPENDED FROM OFFICE

Buenos Aires.—Government authorities have suspended a justice of the peace from office for six months for ignoring a court order to restore a crucifix he removed from his office on the ground that it was a token of religious discrimination.

The official is Eduardo Nari, whose action in banning the crucifix brought a vigorous protest from Roman Catholic leaders.

Señor Nari was instructed by the government authorities that the crucifix was not a symbol of religious discrimination, but signified the spiritual unity of the Argentines. A similar instruction was addressed to the official of the Law School of La Plata University who also had banned a crucifix from the main lecture hall.

The order requiring Señor Nari to restore the crucifix was issued by the Supreme Court of the Province of Buenos Aires.

AUSTRALIA

HATE CULT ON PROD

Sydney.—A new religious cult whose followers must swear to help kill all Australians, Europeans, and Chinese in New Guinea has sprung up in the Australian island territory of New Britain, Radio Australia reported.

It said the cult members venerate Americans, but are fanatically bent on assassinating Queen Elizabeth

of England in reprisal for the ill-treatment they claim to have received from Australian administrators.

The station's report on the cult, known as "Iliat," was based on information from Father Joseph Reischl, a Roman Catholic missionary stationed at the Tavui Mission six miles from Rabaul in the northern part of New Britain.

Father Reischl said native "priests" distribute among their followers a "magic powder," which is said to have been made from the scraped bone of an American soldier's skeleton. "Some enterprising crooks even sold them tickets for a 'heavenly journey to America,'" the missionary said.

AUSTRIA

BUDAPEST RADIO BOASTS RELIGIOUS RITES "DYING OUT"

Vienna.—The Budapest Radio broadcast statistics which it claimed showed that christenings and other religious rites are "gradually dying out" in Communist Hungary and being replaced by "socialist ceremonies."

It said that since the first Communist "name-giving" ceremony was held at Budapest in 1959 to replace Christian baptism, it has been widely acclaimed and copied. Meanwhile, it stated, Communist substitutes have been introduced also for Christian marriages and funerals.

"In 1959," the Budapest Radio said, "only one funeral in 23 was held in Budapest without a priest, but in 1960 the ratio was reduced to one in 12."

CANADA

U.S. CHURCH FUND APPEALS BARRED FROM CANADA'S AIRWAVES

Ottawa.—Canada's Board of Broadcast Governors has banned appeals for donations by U.S. religious groups over Canada's airwaves.

Announcement of this was made by Dr. Andrew Stewart, chairman of the BBG, in an address before the House of Commons broadcasting committee.

Dr. Stewart said his board has recently warned radio stations carrying syndicated religious broadcasts from the U.S. that any appeals for money must be deleted.

In reply to a question, the chairman explained that exceptions to the regulation would be made for Canadian religious denominations appealing for funds in any particular listening area, recognized charitable institutions, universities, and nonprofit music or art groups.

Explaining the ban, Dr. Stewart said there were a host of "splinter denominations," most of them located in California, which syndicate religious programs to Canadian stations. Because the U.S. Federal Communications Commission does not have the same regulatory powers as the BBG, U.S. stations were able to indulge in broadcasting practices that would not be tolerated in Canada, he said.

GERMANY

POEMS PROVOKE LEGAL ACTION

Berlin.—Legal proceedings have been instituted by the West Berlin prosecutor general against the author of a poem that Protestant and Roman Catholic authorities have condemned as blasphemous.

The defendant is Karl Albrecht of Luebeck, West Germany, whose poem, published in *Alternative*, a literary publication, was entitled "Spiritual Call." It started out with the words, "Oh Lord, if we still doubt that You exist, those are to blame who constantly eat You up as hosts."

Announcement of the proceedings came after Protestant and Catholic leaders had repeatedly voiced concern over the growing number of similar cases involving disrespect toward religion.

The churchmen are looking forward meanwhile with considerable interest to an appeal scheduled before the Federal Supreme Court in Karlsruhe—West Germany's highest legal tribunal—in a case involving a student at Goettingen University.

The student was recently fined the equivalent of \$25 by a Goettingen court for having published in a student magazine a poem called "Missa Profana," which was branded as a blasphemous attack on the Catholic Mass.

According to the religious leaders, the court's ruling will be of prime importance in dealing with similar alleged offenses in the future. This will be the first time in 30 years that Germany's highest court has dealt with a blasphemy case.

GREECE

JEHOVAH'S WITNESSES SENTENCED

Thessalonica.—Two women Jehovah's Witnesses received sentences of four months in prison each on charges of trying to convert a Greek professor of theology at Thessalonica University.

According to the prosecution, the women visited the home of the unnamed professor of the history of sects and tried to explain Biblical passages to him in the light of their sect's teachings.

The professor was reported to have locked his two visitors in his office and called the police.

ITALY

JESUIT ORGAN ASKS PRESS CURB

Rome.—A renewed demand for curbs on the freedom of the press in Italy because of its heavy use of sensational stories has been made by the authoritative Jesuit magazine *Civiltà Cattolica*.

The publication asked for the restrictions on grounds that the manner in which the press covers crime and sex stories does harm to "moral values and the healthy education of the people."

Laws to restrain the press were declared to be necessary by Pope John XXIII in December, 1959. *Civiltà Cattolica*, following the Pontiff's suggestion, said that all attempts at self-discipline by the press were of doubtful effectiveness.

In a signed article by the Reverend Giuseppe de Rosa, the Jesuit magazine said the public has the right to be informed and the press has the duty to inform it, but that there were certain ethical and educational limits that must not be exceeded.

PORTUGAL

MISSIONARY PRIEST SLAIN

Lisbon.—Reports from Angola tell of the torture and brutal slaying of an Italian Roman Catholic missionary priest at the hands of terrorists in revolt against the Portuguese administration in the West African province.

The priest was Father Angelo Grazziani, a member of the Capuchin Order from Sarcedo, Italy, who was on a preaching tour of the San Salvador mission region when he was seized by a terrorist band in the village of Pangala.

Father Grazziani was tied to a tree and remained for three days without food or water, villagers afterward reported.

They said a terrorist leader arrived in the village on the third day of Father Grazziani's ordeal and when he learned he was a Catholic priest ordered him to be killed at once.

According to the villagers, the priest was hacked to pieces with long, swordlike knives. The priest's body was then thrown into a ditch to be devoured by red ants.

The accounts here said the villagers also reported that an African priest, not identified, had previously suffered a similar death at the hands of terrorists.

RUSSIA

FACULTY OF SCIENTIFIC ATHEISM APPOINTED

Moscow.—At the University of Moscow 300 students recently attended ceremonies inaugurating a new faculty of scientific atheism and Marxism. The majority were doctors, journalists, engineers, and technical workers.

They heard a talk by Ivan Ivanekovich, head of the propaganda section of the Communist Party Central Committee in Moscow, who stressed that one of the

major purposes of the new faculty was to train students in antireligious propaganda.

He cautioned that "in combating religion, one should possess a thorough knowledge of Marxist dogma and not depend on stock atheistic phrases."

Courses at the faculty will be on a two-year basis, it was announced. Two thirds of the initial enrollment was made up of members of the Communist Party and the Komsomol, the Communist youth organization.

Washington, Madison and Church-State Separation

From page 13

religion as an engine of civil policy. The first is an arrogant pretention, falsified by the contradictory opinions of rulers in all ages and throughout the world; the second, an unhallowed perversion of the means of salvation.

6. Because the establishment proposed by the bill is not requisite for the support of the Christian religion. To say that it is, is a contradiction to the Christian religion itself, for every page of it disavows a dependence on the powers of this world.

7. Because experience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of religion, have had a contrary operation. During almost 15 centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less, in all places, pride and indolence in the clergy; ignorance and servility in the laity; in both, superstition, bigotry, and persecution. Enquire of the teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with civil policy.

8. Because the establishment in question is not necessary for the support of civil government. If it be urged as necessary for the support of civil government only as it is a means of supporting religion, and it be not necessary for the latter purpose, it cannot be necessary for the former. If religion be not within the cognizance of civil government, how can its legal establishment be necessary to civil government? . . . Rulers who wished to subvert the public liberty, may have found an established clergy convenient auxiliaries. A just government, instituted to secure and perpetuate it, needs them not. Such a government will be best supported by protecting every citizen in the enjoyment of his religion with the same equal hand which protects his person and his property by neither invading the equal rights of any sect, nor suffering any sect to invade those of another.

9. Because the proposed establishment is a departure from that generous policy which offering an asylum to the persecuted and oppressed of every nation and religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the bill of sudden degeneracy? Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of citizens all those whose opinions in religion do not bend to those of the legislative authority.

10. Because it will have a like tendency to banish our citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration by revoking the liberty which they now enjoy would be the same species of folly which has dishonored and depopulated flourishing kingdoms.

11. Because it will destroy that moderation and harmony which the forbearance of our laws to intermeddle with religion has produced among its several sects. Torrents of blood have been spilt in the Old World in consequence of vain attempts of the secular arm to extinguish religious discord by proscribing all differences in religious opinion.

12. Because policy of the bill is adverse to the diffusion of the light of Christianity. . . . Instead of leveling, as far as possible, every obstacle to the victorious progress of truth, the bill, with an ignoble and unchristian timidity, would circumscribe it with a wall of defense against the encroachments of error.

13. Because attempts to enforce by legal sanctions, acts obnoxious to so great a proportion of citizens tend to enervate the laws in general, and to slacken the bands of society.

14. Because a measure of such singular magnitude and delicacy ought not to be imposed without the clearest evidence that it is called for by a majority of citizens and no satisfactory method is yet proposed by which the voice of the majority in this case may be determined, or its influence secured.

15. Because, finally, the equal right of every citizen to the free exercise of his religion, according to the dictates of conscience, is held by the same tenure with all our other rights. If we recur to its origin, it is equally the gift of nature; if we weigh its importance, it cannot be less dear to us; if we consult the declaration of those rights which pertain to the good people of Virginia as the basis and foundation of government, it is enumerated with equal solemnity, or rather with studied emphasis.

We, the subscribers, say that the General Assembly of this Commonwealth have no such authority. And in order that no effort may be omitted on our part against so dangerous an usurpation, we oppose to it this remonstrance earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the Universe, by illuminating those to whom it is addressed, may, on the one hand, turn their councils from every act which would affront His holy prerogative or violate the trust committed to them; and, on the other, guide them into every measure which may be worthy of His blessing, redound to their own praise, and establish more firmly the liberties, the prosperity, and the happiness of the Commonwealth.

The influence of this document was widespread not only in Virginia but throughout the other Colonies.

A letter of Madison's describes the profound local effect. He writes that the "remonstrance" met with "the approbation of the Baptists, the Presbyterians, the Quakers, and a few Roman Catholics, universally; of the Methodists in part; and even not a few of the sect"; that is, the Anglicans—his own religion incidentally, formerly established by law. The Presbyterians adopted a strong memorial against the assessment bill specifically referring to the fact that it would be unfair to the Jews, as it provided for only one religion, Christianity. The general association of Virginia Baptists was even more extreme in its denunciation of Henry's proposals.

It can be said without exaggeration that Madison's Remonstrance so stimulated the Virginia electorate that not only did the assembly reject the assessment bill in the session of 1785 but it moved to adopt by a margin of 67 to 20 the bill establishing religious freedom, which had been prepared by Thomas Jefferson and introduced into the Virginia Assembly as early as June 13, 1779.

The ferment overflowed Virginia's boundaries and helped stifle attempts in other Colonies to siphon public funds into the regular support of the churches.

Madison overlooked few opportunities to advance the principles of his Remonstrance.

His first amendment to the Constitution reads in part:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Madison wished to go further and proposed an amendment which would protect the principles of religious freedom and separation of church and state not only from Federal encroachment but also from state intervention. That failed to win acceptance, but it illustrates the extraordinary vision of this statesman. His proposal had anticipated by 134 years the Supreme Court's application of the 14th amendment in Meyer against Nebraska (1923) to freedom of religion.

The religious minorities had no greater friend than James Madison. In his youth he heard with deep compassion the sermon of a Baptist minister from the only pulpit legally available to him—the window of a jail.

In his old age, after retirement from the Presidency, he received a letter containing the following tribute from a member of the Jewish faith in New York:

I ought not to conceal from you that it affords me sincere pleasure to have an opportunity of saying that to your efforts and those of your illustrious colleagues in the convention the Jews in the United States owe many of the blessings which they now enjoy, and the benefit of this liberal and just example has been felt very generally abroad and has created a sincere attachment toward this country on the part of foreign Jews.

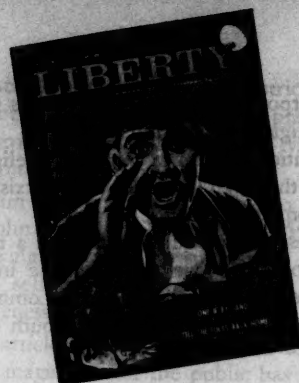
Madison's influence on our Nation's progress toward freedom of religion and its corollary, separation of church and state, was both extensive and enlightened. He is unexcelled among our forefathers for logical and consistent development of the constitutional ideal of religious freedom.

In conclusion, I wish to quote again from the immortal George Washington, who, in his first inaugural address, said:

It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and happiness of the people of the United States a Government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.

The debate of the issue of Federal aid to church schools can be a vital and dynamic contribution to the President's new frontier program, if it challenges the willingness of our people to prove by their personal conduct that the motto on our coins, "In God We Trust," is something more than a political shibboleth.

★★★



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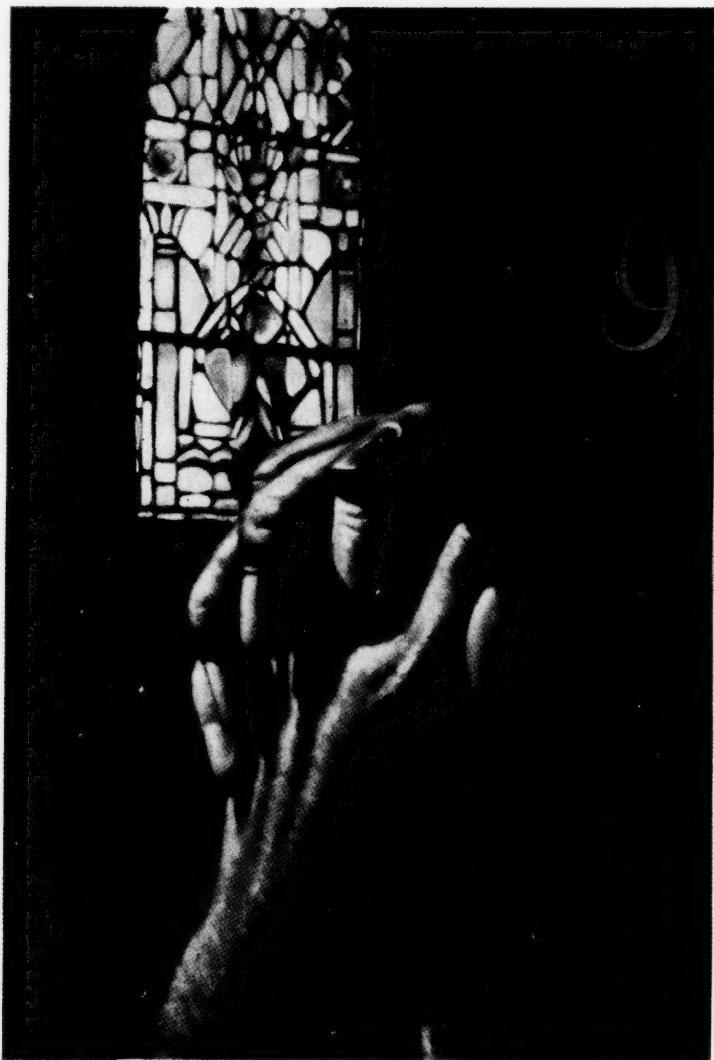
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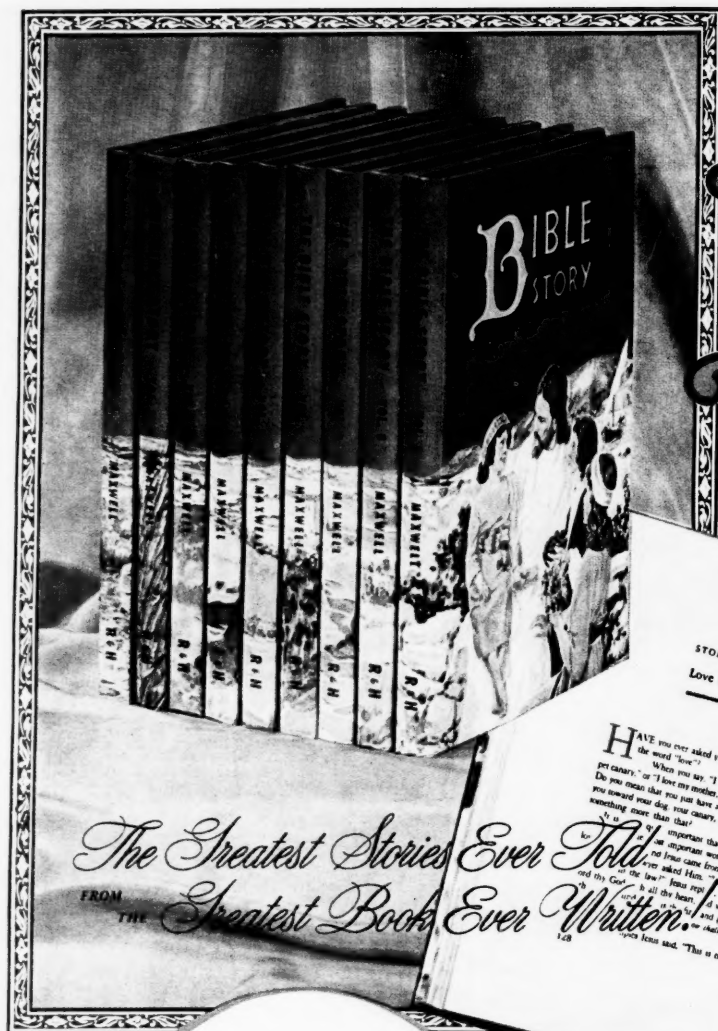
"I believe the people of the United States, in the forms approved by their own consciences, should render the homage due to the Divine Majesty, for the wonderful things He has done in the nation's behalf.

"I believe in His eternal truth and justice.

"I believe the will of God prevails. Without Him all human reliance is vain. Without the assistance of that Divine Being I cannot succeed; with that assistance I cannot fail.

"I believe I am a humble instrument in the hands of our Heavenly Father. I desire that all my works and acts be according to His will; and that it may be so, I give thanks to the Almighty and seek His aid."

—A. Lincoln (in a creed formulated
from his own words)



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